

Introduced by

Legislative Management

(Tribal and State Relations Committee)

1 A BILL for an Act to amend and reenact section 12.1-21-05 of the North Dakota Century Code,  
2 relating to an enhanced penalty for conviction of criminal mischief involving a hate crime; and to  
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12.1-21-05. Criminal mischief.**

8 1. A person is guilty of an offense if that person:

9 a. Willfully tampers with tangible property of another so as to endanger person or  
10 property; or

11 b. Willfully damages tangible property of another.

12 2. The offense is:

13 a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten  
14 thousand dollars.

15 b. A class C felony if the actor intentionally causes pecuniary loss in excess of two  
16 thousand dollars but not in excess of ten thousand dollars or damages tangible  
17 property of another by means of an explosive or a destructive device.

18 c. A class C felony if the actor's conduct shows bias based on race, color, religion,  
19 sex, sexual orientation, disability, age, or national origin. For purposes of this  
20 subdivision, disability means a condition or characteristic that renders an  
21 individual a disabled individual. A disabled individual is an individual who has a  
22 physical, sensory, or mental impairment that materially limits one or more major  
23 life activities, has a record of such an impairment, or is regarded as having such  
24 an impairment.

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- 1            d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of  
2                            two thousand dollars or if the actor intentionally causes pecuniary loss of from  
3                            one hundred dollars through two thousand dollars.
- 4            ~~Otherwise the offense is a~~
- 5            e. A class B misdemeanor except as provided in subdivision a, b, c, or d.