

SENATE BILL NO. 2052

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 for~~ and Act to create and enact a new subsection to section 12.1-32-04 of the
4 North Dakota Century Code, relating to factors to be considered in sentencing decisions.

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

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

8 ~~12.1-21-05. Criminal mischief.~~

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

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

12 ~~b. Willfully damages tangible property of another.~~

13 ~~2. The offense is:~~

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

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

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

1 ~~life activities, has a record of such an impairment, or is regarded as having such-~~
2 ~~an impairment.~~

3 ~~d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of~~
4 ~~two thousand dollars or if the actor intentionally causes pecuniary loss of from~~
5 ~~one hundred dollars through two thousand dollars.~~

6 Otherwise the offense is a

7 ~~e. A class B misdemeanor except as provided in subdivision a, b, c, or d.~~

8 **SECTION 1.** A new subsection to section 12.1-32-04 of the North Dakota Century Code is
9 created and enacted as follows:

10 The defendant's conduct showed bias based on race, color, religion, sex, sexual
11 orientation, disability, age, or national origin. For purposes of this subsection, disability
12 means a condition or characteristic that renders an individual a disabled individual. A
13 disabled individual is an individual who has a physical, sensory, or mental impairment
14 that materially limits one or more major life activities, has a record of such an
15 impairment, or is regarded as having such an impairment.