

**SENATE BILL NO. 2241  
with House Amendments  
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Sixty-second  
Legislative Assembly  
of North Dakota

Introduced by

Senators Lyson, Berry, Sitte

Representatives Dahl, Heller, Louser

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-23-05 of the North Dakota  
2 Century Code, relating to the grading of theft offenses for theft of a prescription drug; to provide  
3 a penalty; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-23-05 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. Theft under this chapter is a class C felony if:

8 a. The property or services stolen exceed five hundred dollars in value;

9 b. The property or services stolen are acquired or retained by threat and (1) are  
10 acquired or retained by a public servant by a threat to take or withhold official  
11 action, or (2) exceed fifty dollars in value;

12 c. The property or services stolen exceed fifty dollars in value and are acquired or  
13 retained by a public servant in the course of official duties;

14 d. The property stolen is a firearm, ammunition, explosive or destructive device, or  
15 an automobile, aircraft, or other motor-propelled vehicle;

16 e. The property consists of any government file, record, document, or other  
17 government paper stolen from any government office or from any public servant;

18 f. The defendant is in the business of buying or selling stolen property and the  
19 defendant receives, retains, or disposes of the property in the course of that  
20 business;

21 g. The property stolen consists of any implement, paper, or other thing uniquely  
22 associated with the preparation of any money, stamp, bond, or other document,  
23 instrument, or obligation of this state;

24 h. The property stolen consists of livestock taken from the premises of the owner;

- 1           i. The property stolen consists of a key or other implement uniquely suited to  
2           provide access to property the theft of which would be a felony and it was stolen  
3           to gain such access; ~~or~~
- 4           j. The property stolen is a card, plate, or other credit device existing for the purpose  
5           of obtaining money, property, labor, or services on credit, or is a debit card,  
6           electronic fund transfer card, code, or other means of access to an account for  
7           the purposes of initiating electronic fund transfers; or
- 8           k. The property stolen is a prescription drug as defined in section 43-15.3-01.

9           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.