



North Dakota House of Representatives

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COMMITTEES:
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April 19, 2023

PROPOSED AMENDMENT TO SECTION 3 OF SB 2107 VERSION 23.8013.04005:

Amend Section 3 as follows:

SECTION 3. Section 12.1-17-14 of the North Dakota Century Code is created and enacted as follows:

12.1-17-14. Shooting at inhabited dwelling or camper; or occupied structure, vehicle, or aircraft – Penalty.

Any person who willfully discharges a firearm at an inhabited dwelling, occupied structure, occupied motor vehicle, occupied aircraft, or inhabited camper is guilty of a class B felony reckless endangerment as provided in section 12.1-17-03. As used in this section, "inhabited" means currently used for dwelling purposes, whether occupied or not.

1 imprisonment or incarceration, the court shall justify the reasoning for a departure from
2 the presumptive jail sentence within the judgment.

3 **SECTION 3.** Section 12.1-17-14 of the North Dakota Century Code is created and enacted
4 as follows: *v. 4000 Sec. 3*

5 **12.1-17-14. Shooting at inhabited dwelling or camper; or occupied structure, vehicle,**
6 **or aircraft - Penalty.**

7 Any person who willfully discharges a firearm at an inhabited dwelling, occupied structure,
8 occupied motor vehicle, occupied aircraft, or inhabited camper is guilty of a class B felony. As
9 used in this section, "inhabited" means currently used for dwelling purposes, whether occupied
10 or not.

11 **SECTION 4. AMENDMENT.** Section 12.1-17-03 of the North Dakota Century Code is
12 amended and reenacted as follows: *v. 5000 as passed by House*
Sec. 1

13 **12.1-17-03. Reckless endangerment.**

14 A person is guilty of an offense if ~~he~~the person creates a substantial risk of serious bodily
15 injury or death to another. The offense is a class B felony if the offense is committed by
16 intentionally or knowingly discharging a firearm. The offense is a class C felony if the
17 circumstances manifest ~~his~~the person's extreme indifference to the value of human life.
18 Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the
19 potential for harm exists, whether or not a particular person's safety is actually jeopardized.

20 **SECTION 5. AMENDMENT.** Section 12.1-32-02.1 of the North Dakota Century Code is
21 amended and reenacted as follows: *v. 4000 Sec. 4*

22 **12.1-32-02.1. Mandatory prison terms for armed offenders.**

- 23 1. Notwithstanding any other provision of this title, a term of imprisonment must be
24 imposed upon an offender and served without benefit of parole when:
- 25 a. In the course of committing an offense, the offender inflicts or attempts to inflict
26 bodily injury upon another, threatens or menaces another with imminent bodily
27 injury with a dangerous weapon, explosive, ~~or~~ destructive device, or firearm; or
 - 28 b. The offender possesses or has within immediate reach and control a dangerous
29 weapon, explosive, ~~or~~ destructive device, or firearm while in the course of
30 committing any felony offense under subsection 1, 3, or 7 of section 19-03.1-23.

reckless endangerment
as provided in Section 12.1-17-03
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