

**HOUSE BILL NO. 1363**

Introduced by

Representatives Delmore, Carlisle, Mahoney

Senators Lyson, C. Nelson

1 A BILL for an Act to create and enact a new subsection to section 12.1-17-01 of the North  
2 Dakota Century Code, relating to a mandatory assessment process for simple assault in  
3 domestic violence cases; to amend and reenact subsection 2 of section 12.1-17-01 of the North  
4 Dakota Century Code, relating to the penalty for assault in a domestic violence case; and to  
5 provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-17-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 2. ~~Simple assault is a class B misdemeanor except~~ The offense is:  
10 a. A class C felony when the victim is a peace officer or correctional institution  
11 employee acting in an official capacity, which the actor knows to be a fact, a  
12 person engaged in a judicial proceeding, or a member of a municipal or  
13 volunteer fire department or emergency medical services personnel unit or  
14 emergency department worker in the performance of the member's duties, ~~in~~  
15 ~~which case the offense is a class C felony.~~  
16 b. A class A misdemeanor when the victim is an actor's family or household  
17 member as defined in subsection 4 of section 14-07.1-01.  
18 c. A class B misdemeanor except as provided in subdivision a or b.

19 **SECTION 2.** A new subsection to section 12.1-17-01 of the North Dakota Century Code  
20 is created and enacted as follows:

21 The sentence for an offense against an actor's family or household member as  
22 defined in subsection 4 of section 14-07.1-01 must include an order for an  
23 assessment and counseling with a domestic violence program or other agency that

- 1                   provides professional services, unless the court makes written findings for the
- 2                   record explaining why such a sentence would be inappropriate.