

SENATE BILL NO. 2254

Introduced by

Senators Lyson, Cook, Watne

Representatives Carlisle, Porter

1 A BILL for an Act to amend and reenact sections 12.1-20-06 and 12.1-20-07 of the North
2 Dakota Century Code, relating to sexual abuse of wards and sexual assault; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-20-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-20-06. Sexual abuse of wards.** A person who engages in a sexual act with
8 another person, or any person who causes another to engage in a sexual act is guilty of a
9 class ~~A misdemeanor~~ C felony if the other person is in official custody or detained in a hospital,
10 prison, or other institution and the actor has supervisory or disciplinary authority over the other
11 person.

12 **SECTION 2. AMENDMENT.** Section 12.1-20-07 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **12.1-20-07. Sexual assault.**

- 15 1. A person who knowingly has sexual contact with another person, or who causes
16 another person to have sexual contact with that person, is guilty of an offense if:
- 17 a. That person knows or has reasonable cause to believe that the contact is
18 offensive to the other person;
 - 19 b. That person knows or has reasonable cause to believe that the other person
20 suffers from a mental disease or defect which renders that other person
21 incapable of understanding the nature of that other person's conduct;
 - 22 c. That person or someone with that person's knowledge has substantially
23 impaired the victim's power to appraise or control the victim's conduct, by
24 administering or employing without the victim's knowledge intoxicants, a

- 1 controlled substance as defined in chapter 19-03.1, or other means for the
2 purpose of preventing resistance;
- 3 d. The other person is in official custody or detained in a hospital, prison, or
4 other institution and the actor has supervisory or disciplinary authority over
5 that other person;
- 6 e. The other person is a minor, fifteen years of age or older, and the actor is the
7 other person's parent, guardian, or is otherwise responsible for general
8 supervision of the other person's welfare; or
- 9 f. The other person is a minor, fifteen years of age or older, and the actor is an
10 adult.
- 11 2. The offense is a class C felony if the actor's conduct violates subdivision b, c, d, or
12 e of subsection 1, or subdivision f of subsection 1 if the adult is at least twenty-two
13 years of age, a class A misdemeanor if the actor's conduct violates ~~subdivision d of~~
14 ~~subsection 1 or~~ subdivision f of subsection 1 if the adult is at least eighteen years
15 of age and not twenty-two years of age or older, or a class B misdemeanor if the
16 actor's conduct violates subdivision a of subsection 1.