

Introduced by

1 A BILL for an Act to amend and reenact sections 12.1-17-01 and 12.1-21-05 of the North  
2 Dakota Century Code, relating to enhanced penalties for conviction of assault and criminal  
3 mischief involving a hate crime; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-17-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12.1-17-01. Simple assault.**

- 8 1. A person is guilty of an offense if that person:
- 9 a. Willfully causes bodily injury to another human being; or
- 10 b. Negligently causes bodily injury to another human being by means of a
- 11 firearm, destructive device, or other weapon, the use of which against a
- 12 human being is likely to cause death or serious bodily injury.
- 13 2. The offense is:
- 14 a. A class C felony when the victim is a peace officer or correctional institution
- 15 employee acting in an official capacity, which the actor knows to be a fact; an
- 16 employee of the state hospital acting in the course and scope of employment,
- 17 which the actor knows to be a fact, and the actor is an individual committed to
- 18 or detained at the state hospital pursuant to chapter 25-03.3; a person
- 19 engaged in a judicial proceeding; or a member of a municipal or volunteer fire
- 20 department or emergency medical services personnel unit or emergency
- 21 department worker in the performance of the member's duties.
- 22 b. A class A misdemeanor when the actor caused the injury because of the
- 23 victim's or another's actual or perceived race, color, religion, sex, sexual
- 24 orientation, disability, age, or national origin. For purposes of this subdivision,

1           disability means a condition or characteristic that renders an individual a  
2           disabled individual. A disabled individual is an individual who has a physical,  
3           sensory, or mental impairment that materially limits one or more major life  
4           activities; has a record of such an impairment; or is regarded as having such  
5           an impairment.

6           c. A class B misdemeanor for the first offense when the victim is an actor's  
7           family or household member as defined in subsection 4 of section 14-07.1-01  
8           and a class A misdemeanor for a second or subsequent offense when the  
9           victim is an actor's family or household member as defined in subsection 4 of  
10          section 14-07.1-01 and the actor has a prior conviction for simple assault  
11          under this section or an assault offense under section 12.1-17-01.1 or  
12          12.1-17-02 involving the commission of domestic violence as defined in  
13          subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior  
14          conviction includes a conviction of any assault offense in which a finding of  
15          domestic violence was made under a law or ordinance of another state which  
16          is equivalent to this subdivision.

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

18          **SECTION 2. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is  
19          amended and reenacted as follows:

20          **12.1-21-05. Criminal mischief.**

- 21          1. A person is guilty of an offense if that person:
- 22               a. Willfully tampers with tangible property of another so as to endanger person  
23               or property; or
- 24               b. Willfully damages tangible property of another.
- 25          2. The offense is:
- 26               a. A class B felony if the actor intentionally causes pecuniary loss in excess of  
27               ten thousand dollars.
- 28               b. A class C felony if the actor intentionally causes pecuniary loss in excess of  
29               two thousand dollars but not in excess of ten thousand dollars or damages  
30               tangible property of another by means of an explosive or a destructive device.

- 1           c.    A class A misdemeanor if the actor recklessly causes pecuniary loss in  
2                    excess of two thousand dollars or if the actor intentionally causes pecuniary  
3                    loss of from one hundred dollars through two thousand dollars.  
4           ~~Otherwise the offense is a~~
- 5           d.    A class A misdemeanor if the actor's conduct shows bias based upon race,  
6                    color, religion, sex, sexual orientation, disability, age, or national origin. For  
7                    purposes of this subdivision, disability means a condition or characteristic that  
8                    renders an individual a disabled individual. A disabled individual is an  
9                    individual who has a physical, sensory, or mental impairment that materially  
10                   limits one or more major life activities; has a record of such an impairment; or  
11                   is regarded as having such an impairment.
- 12           e.    A class B misdemeanor except as provided in subdivision a, b, c, or d.