

**SENATE BILL NO. 2293
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2293

Introduced by

Senators Nething, Robinson, Wanzek

Representatives Headland, Pollert

- 1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota
2 Century Code, relating to the assault of state hospital employees; and to provide a penalty.

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

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

6 2. The offense is:

- 7 a. A class C felony when the victim is a peace officer or correctional institution
8 employee acting in an official capacity, which the actor knows to be a fact, a
9 person engaged in a judicial proceeding, or a member of a municipal or
10 volunteer fire department or emergency medical services personnel unit or
11 emergency department worker in the performance of the member's duties.
- 12 b. A class A misdemeanor when the victim is an employee of the state hospital
13 acting in the course and scope of employment, which the actor knows to be a
14 fact, and the actor is an individual committed to or detained at the state
15 hospital pursuant to chapter 25-03.3.
- 16 c. A class B misdemeanor for the first offense when the victim is an actor's
17 family or household member as defined in subsection 4 of section 14-07.1-01
18 and a class A misdemeanor for a second or subsequent offense when the
19 victim is an actor's family or household member as defined in subsection 4 of
20 section 14-07.1-01 and the actor has a prior conviction for simple assault
21 under this section or an assault offense under section 12.1-17-01.1 or
22 12.1-17-02 involving the commission of domestic violence as defined in
23 subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior
24 conviction includes a conviction of any assault offense in which a finding of

- 1 domestic violence was made under a law or ordinance of another state which
- 2 is equivalent to this subdivision.
- 3 ~~e.~~ d. A class B misdemeanor except as provided in subdivision a ~~or~~, b, or c.