23.0940.01000

Sixty-eighth
Legislative Assembly
of North Dakota

**HOUSE BILL NO. 1378**

Introduced by

Representatives Schauer, Beltz, Christy, Grueneich, Heinert, Strinden, Wagner

Senators Dever, Lee, Sorvaag, Wanzek

1  A BILL for an Act to create and enact a new subdivision to subsection 3 of section 12.1-23-05 of

2  the North Dakota Century Code, relating to grading of theft offenses; to amend and reenact

3  section 12.1-21-05 of the North Dakota Century Code, relating to criminal mischief; and to

4  provide a penalty.

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

6     **SECTION 1. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is

7  amended and reenacted as follows:

8     **12.1-21-05. Criminal mischief.**

9     1.    A person is guilty of an offense if that person:

10          a.    Willfully tampers with tangible property of another so as to endanger person or

11                property; or

12          b.    Willfully damages tangible property of another.

13    2.    The offense is:

14          a.    A class B felony if the actor intentionally causes pecuniary loss in excess of ten

15                thousand dollars.

16          b.    A class C felony if the actor intentionally causes pecuniary loss in excess of two

17                thousand dollars but not in excess of ten thousand dollars or damages tangible

18                property of another by means of an explosive or a destructive device.

19          c.    A class C felony if the actor commits the offense while engaged in a riot, as

20                defined in section 12.1-25-01.

21          d.    A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of

22                two thousand dollars or if the actor intentionally causes pecuniary loss of from

23                one hundred dollars through two thousand dollars.

24          Otherwise the offense is a class B misdemeanor.

1     **SECTION 2.** A new subdivision to subsection 3 of section 12.1-23-05 of the North Dakota

2    Century Code is created and enacted as follows:

3            The property is stolen while engaging in a riot as defined in section 12.1-25-01 or

4            while with an organized group of five or more individuals.