

HOUSE BILL NO. 1537

Introduced by

Representatives Schneider, Boschee, Conmy, Dakane, Davis, Dobervich, Finley-DeVille,
Hanson

Senators Braunberger, Mathern, Piepkorn

1 A BILL for an Act to create and enact a new subsection to section 12.1-32-04 and a new section
2 to chapter 54-12 of the North Dakota Century Code, relating to factors to be considered in
3 sentencing decisions and the data collection and reporting of bias crimes; to amend and
4 reenact ~~sections~~section 12-63-04, ~~12.1-17-02, 12.1-17-07, and 12.1-21-05~~ of the North Dakota
5 Century Code, relating to the duty of ~~the peace officer standards and training board~~a law
6 enforcement agency to provide training approved by the peace officer standards and training
7 board on bias crimes, ~~aggravated assault, harassment, and criminal mischief~~; to provide for a
8 report to the legislative management; and to provide a penalty.

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

10 **SECTION 1. AMENDMENT.** Section 12-63-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12-63-04. Board - Powers - Duties - Authority.**

13 The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate
14 the qualifications of applicants, and approve the examinations for licensing under this chapter.

15 1. The board shall:

- 16 a. Prescribe the criteria for certification of basic, advanced, and specialized peace
17 officer training curriculum, instructors, and schools;
- 18 b. Certify curriculum, instructors, schools, and officers that have met the training
19 certification criteria;
- 20 c. Establish the curriculum for basic and advanced peace officer training, including
21 a course of instruction, and ongoing training in identifying and responding to bias
22 crimes; and

1 protections provided in chapter 29-29.5. Annually, the board shall conduct an audit
2 evaluating the effectiveness of confidential informant training requirements.

3 ~~4.5.~~ The board shall establish penalties and enforce violations of protections provided in
4 chapter 29-29.5. The penalties established must be formulated based on the nature,
5 severity, gravity, and recurrence of violations. The board may deny, suspend, or
6 revoke a license or may impose probationary conditions, including remedial training.

7 ~~5.6.~~ The board may issue certifications indicating whether law enforcement agencies
8 comply with requirements for grant funding purposes.

9 ~~— SECTION 2. AMENDMENT. Section 12.1-17-02 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~— 12.1-17-02. Aggravated assault.~~

12 ~~— 1. Except as provided in subsection 2, a person is guilty of a class C felony if that person:~~

13 ~~— a. Willfully causes serious bodily injury to another human being;~~

14 ~~— b. Knowingly causes bodily injury or substantial bodily injury to another human~~
15 ~~being with a dangerous weapon or other weapon, the possession of which under~~
16 ~~the circumstances indicates an intent or readiness to inflict serious bodily injury;~~

17 ~~— c. Causes bodily injury or substantial bodily injury to another human being while~~
18 ~~attempting to inflict serious bodily injury on any human being; or~~

19 ~~— d. Fires a firearm or hurls a destructive device at another human being; or~~

20 ~~— e. Causes bodily injury to another human because of the victim's actual or~~
21 ~~perceived race, color, religion, gender, disability, sexual orientation, gender~~
22 ~~identity, national origin, or ancestry.~~

23 ~~— 2. The person is guilty of a class B felony if the person violates subsection 1 and the~~
24 ~~victim:~~

25 ~~— a. Is under twelve years of age;~~

26 ~~— b. Is a peace officer or correctional institution employee acting in an official capacity,~~
27 ~~which the actor knows to be a fact; or~~

28 ~~— c. Suffers permanent loss or impairment of the function of a bodily member or~~
29 ~~organ.~~

30 ~~— SECTION 3. AMENDMENT. Section 12.1-17-07 of the North Dakota Century Code is~~
31 ~~amended and reenacted as follows:~~

1 ~~SECTION 4. AMENDMENT. Section 12.1-21-05 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~12.1-21-05. Criminal mischief.~~

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

5 ~~a. Willfully tampers with tangible property of another so as to endanger person or~~
6 ~~property; or~~

7 ~~b. Willfully damages tangible property of another.~~

8 ~~2. The offense is:~~

9 ~~a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten~~
10 ~~thousand dollars.~~

11 ~~b. A class C felony if the actor intentionally causes pecuniary loss in excess of two~~
12 ~~thousand dollars but not in excess of ten thousand dollars or damages tangible~~
13 ~~property of another by means of an explosive or a destructive device.~~

14 ~~c. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of~~
15 ~~two thousand dollars or if the actor intentionally causes pecuniary loss of from~~
16 ~~one hundred dollars through two thousand dollars.~~

17 ~~d. A class A misdemeanor if the actor damages the property in whole or in part~~
18 ~~because of:~~

19 ~~(1) The owner's actual or perceived race, color, religion, gender, disability,~~
20 ~~sexual orientation, gender identity, national origin, or ancestry; or~~

21 ~~(2) The property's believed association or affiliation with or representation of~~
22 ~~race, color, religion, gender, disability, sexual orientation, gender identity,~~
23 ~~national origin, or ancestry.~~

24 ~~Otherwise the offense is a class B misdemeanor.~~

25 **SECTION 2.** A new subsection to section 12.1-32-04 of the North Dakota Century Code is
26 created and enacted as follows:

27 The defendant's crime was committed in whole or in part because of bias against
28 actual or perceived race, color, religion, gender, disability, sexual orientation, gender
29 identity, national origin, ancestry, age, veteran status, or political affiliation.

30 **SECTION 3.** A new section to chapter 54-12 of the North Dakota Century Code is created
31 and enacted as follows:

- 1 b. Was the victim or the alleged victim of a bias crime.
- 2 5. By July first of each year, the attorney general shall submit to the legislative
- 3 management and the governor a written report summarizing the data from the
- 4 preceding calendar year including:
- 5 a. The type of bias crimes occurring in the state;
- 6 b. The number of bias crimes alleged, prosecuted, and for which a conviction was
- 7 obtained; and
- 8 c. Bias crime victim demographics.
- 9 6. The attorney general may require the reporting of additional information not specified
- 10 in this section. The attorney general shall develop standard forms, processes, and
- 11 deadlines for the biannual submission of bias crime data by law enforcement
- 12 agencies.
- 13 7. If a law enforcement agency fails to file a report within thirty days after the report is
- 14 due, the attorney general may compel compliance by any means until the report is
- 15 filed.
- 16 8. Annually the attorney general shall submit to the federal bureau of investigation the
- 17 statistical data collected under this section regarding the occurrence of bias crimes
- 18 within the state.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1537

- Page 1, line 1, after "enact" insert "a new subsection to section 12.1-32-04 and"
- Page 1, line 2, after the first "to" insert "factors to be considered in sentencing decisions and"
- Page 1, line 3, replace "sections" with "section"
- Page 1, line 3, remove ", 12.1-17-02, 12.1-17-07, and 12.1-21-05"
- Page 1, line 4, replace "the peace officer standards and training board" with "a law enforcement agency"
- Page 1, line 4, after the second "training" insert "approved by the peace officer standards and training board"
- Page 1, line 5, remove ", aggravated assault, harassment, and criminal mischief"
- Page 2, line 13, remove "provide refresher training to all licensed peace officers every"
- Page 2, line 14, replace "two years in identifying and responding to bias crimes" with "require peace officers complete bias crimes refresher training every three years, as a requirement for license renewal"
- Page 2, line 20, replace "Ensure a bias crime is accurately reported" with "Include instruction on proper reporting requirements"
- Page 2, line 20, replace "5" with "3"
- Page 2, line 22, replace "course" with "training criteria"
- Page 2, line 23, replace "5" with "3"
- Page 3, remove lines 5 through 31
- Page 4, remove lines 1 through 31
- Page 5, replace lines 1 through 20 with:

"SECTION 2. A new subsection to section 12.1-32-04 of the North Dakota Century Code is created and enacted as follows:

The defendant's crime was committed in whole or in part because of bias against actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, ancestry, age, veteran status, or political affiliation."

- Page 6, line 15, remove ", bias"
- Page 6, line 16, remove "motivations."
- Renumber accordingly