

**SENATE BILL NO. 2223**

Introduced by

Senators W. Stenehjem, C. Nelson

Representatives Cleary, DeKrey, Delmore

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01, section  
2 12.1-17-01.1, section 12.1-17-02, subdivision a of subsection 1 of section 12.1-32-15, and  
3 subsection 1 of section 14-09-22 of the North Dakota Century Code, relating to the crimes of  
4 simple assault, assault, aggravated assault, and abuse or neglect of a child; and to provide a  
5 penalty.

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

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

9 2. Simple assault is a class B misdemeanor except when the victim is a peace officer  
10 or correctional institution employee acting in an official capacity, which the actor  
11 knows to be a fact, a person engaged in a judicial proceeding, ~~or~~ a member of a  
12 municipal or volunteer fire department or emergency medical services personnel  
13 unit or emergency department worker in the performance of the member's duties,  
14 or is under the age of twelve years, in which case the offense is a class C felony.

15 **SECTION 2. AMENDMENT.** Section 12.1-17-01.1 of the North Dakota Century Code  
16 is amended and reenacted as follows:

17 **12.1-17-01.1. Assault.** A person is guilty of a class A misdemeanor, except if the  
18 victim is under the age of twelve years in which case the offense is a class C felony, if that  
19 person:

20 1. Willfully causes substantial bodily injury to another human being; or  
21 2. Negligently causes substantial bodily injury to another human being by means of a  
22 firearm, destructive device, or other weapon, the use of which against a human  
23 being is likely to cause death or serious bodily injury.

1           **SECTION 3. AMENDMENT.** Section 12.1-17-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **12.1-17-02. Aggravated assault.** A person is guilty of a class C felony, except if the  
4 victim is under the age of twelve years in which case the offense is a class B felony, if that  
5 person:

- 6           1. Willfully causes serious bodily injury to another human being;
- 7           2. Knowingly causes bodily injury or substantial bodily injury to another human being  
8           with a dangerous weapon or other weapon, the possession of which under the  
9           circumstances indicates an intent or readiness to inflict serious bodily injury;
- 10          3. Causes bodily injury or substantial bodily injury to another human being while  
11          attempting to inflict serious bodily injury on any human being; or
- 12          4. Fires a firearm or hurls a destructive device at another human being.

13           **SECTION 4. AMENDMENT.** Subdivision a of subsection 1 of section 12.1-32-15 of the  
14 North Dakota Century Code is amended and reenacted as follows:

- 15           a. "A crime against a child" means a violation of chapter 12.1-16, 12.1-17,  
16           12.1-18, ~~or 12.1-29,~~ or section 14-09-22, or an equivalent ordinance, in which  
17           the victim is a minor or is otherwise of the age required for the act to be a  
18           crime or an attempt to commit these offenses.

19           **SECTION 5. AMENDMENT.** Subsection 1 of section 14-09-22 of the North Dakota  
20 Century Code is amended and reenacted as follows:

- 21           1. Except as provided in subsection 2, a parent, guardian, or other custodian of any  
22           child who willfully commits any of the following offenses is guilty of a class C felony  
23           except if the victim of an offense under subdivision a is under the age of twelve  
24           years in which case the offense is a class B felony:
  - 25           a. Inflicts, or allows to be inflicted, upon the child, ~~physical~~ bodily injury as  
26           defined by subsection 4 of section 12.1-01-04 or mental injury.
  - 27           b. Fails to provide proper parental care or control, subsistence, education as  
28           required by law, or other care or control necessary for the child's physical,  
29           mental, or emotional health, or morals.

- 1                   c.   Permits the child to be, or fails to exercise reasonable diligence in preventing  
2                   the child from being, in a disreputable place or associating with vagrants or  
3                   vicious or immoral persons.
- 4                   d.   Permits the child to engage in, or fails to exercise reasonable diligence in  
5                   preventing the child from engaging in, an occupation forbidden by the laws of  
6                   this state or an occupation injurious to the child's health or morals or the  
7                   health or morals of others.