

HOUSE BILL NO. 1262

Introduced by

Representatives Delmore, DeKrey, Hawken

Senators Traynor, Trenbeath

1 A BILL for an Act to amend and reenact section 12.1-17-01 of the North Dakota Century Code,
2 relating to simple assault.

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

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

6 **12.1-17-01. Simple assault.**

- 7 1. A person is guilty of an offense if that person:
- 8 a. Willfully causes bodily injury to another human being; or
 - 9 b. Negligently causes bodily injury to another human being by means of a
10 firearm, destructive device, or other weapon, the use of which against a
11 human being is likely to cause death or serious bodily injury.
- 12 2. The offense is:
- 13 a. A class C felony when the victim is a peace officer or correctional institution
14 employee acting in an official capacity, which the actor knows to be a fact, a
15 person engaged in a judicial proceeding, or a member of a municipal or
16 volunteer fire department or emergency medical services personnel unit or
17 emergency department worker in the performance of the member's duties.
 - 18 b. A class B misdemeanor for the first offense when the victim is an actor's
19 family or household member as defined in subsection 4 of section 14-07.1-01
20 and a class A misdemeanor for a second or subsequent offense when the
21 victim is an actor's family or household member as defined in subsection 4 of
22 section 14-07.1-01 and the actor has a prior conviction for simple assault
23 under this section or an assault offense under section 12.1-17-01.1 or
24 12.1-17-02 involving the commission of domestic violence as defined in

- 1 subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior
2 conviction includes a conviction of ~~simple~~ any assault offense in which a
3 finding of domestic violence was made under a law or ordinance of another
4 state which is equivalent to this subdivision.
- 5 c. A class B misdemeanor except as provided in subdivision a or b.