

HOUSE BILL NO. 1272

Introduced by

Representatives Griffin, Dahl, Delmore

Senators Nething, Olafson, Schneider

1 A BILL for an Act to amend and reenact sections 12.1-20-02 and 12.1-20-04 of the North
2 Dakota Century Code, relating to a sexual act or conduct through coercion.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-20-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-20-02. Definitions.** In sections 12.1-20-03 through 12.1-20-12:

- 7 1. "Coercion" means the use by the actor of words or circumstances that cause the
8 victim reasonably to fear that the actor will inflict bodily harm upon the victim or
9 another, or the use by the actor of confinement or superior size or strength against
10 the complainant to submit to a sexual act or contact against the victim's will.
- 11 2. "Deviate sexual act" means any form of sexual contact with an animal, bird, or
12 dead person.
- 13 ~~2.~~ 3. "Object" means anything used in commission of a sexual act other than the person
14 of the actor.
- 15 ~~3.~~ 4. "Sexual act" means sexual contact between human beings consisting of contact
16 between the penis and the vulva, the penis and the anus, the mouth and the penis,
17 the mouth and the vulva, or any other portion of the human body and the penis,
18 anus, or vulva; or the use of an object which comes in contact with the victim's
19 anus, vulva, or penis. For the purposes of this subsection, sexual contact between
20 the penis and the vulva, the penis and the anus, any other portion of the human
21 body and the anus or vulva, or an object and the anus, vulva, or penis of the victim,
22 occurs upon penetration, however slight. Emission is not required.
- 23 ~~4.~~ 5. "Sexual contact" means any touching, whether or not through the clothing or other
24 covering, of the sexual or other intimate parts of the person, or the penile

1 ejaculation or ejaculate or emission of urine or feces upon any part of the person,
2 for the purpose of arousing or satisfying sexual or aggressive desires.

3 **SECTION 2. AMENDMENT.** Section 12.1-20-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **12.1-20-04. Sexual imposition.**

6 1. A person who engages in a sexual act or sexual contact with another, or who
7 causes another to engage in a sexual act or sexual contact, is guilty of a class B
8 felony if the actor:

9 4- a. Compels the other person to submit by any threat that would render a person
10 of reasonable firmness incapable of resisting; or

11 2- b. Engages in a sexual act or sexual contact with another, whether consensual
12 or not, as part of an induction, initiation, ceremony, pledge, hazing, or
13 qualification to become a member or an associate of any criminal street gang
14 as defined in section 12.1-06.2-01.

15 2. A person who engages or causes another to engage in a sexual act or sexual
16 conduct is guilty of a class C felony if the actor compels the other person to submit
17 through the use of coercion. Proof of coercion does not require a specific act or
18 threat.