

Introduced by

1 A BILL for an Act to amend and reenact sections 12.1-14-04, 12.1-17-02, 12.1-17-07, and  
2 12.1-21-05 of the North Dakota Century Code, relating to enhanced penalties for conviction of  
3 discrimination in public places, aggravated assault, harassment, and criminal mischief involving  
4 a hate crime; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-14-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12.1-14-04. Discrimination in public places.**

9 1. A person is guilty of a class B misdemeanor if, whether or not acting under color of  
10 law, ~~he~~ that person, by force, or threat of force or by economic coercion,  
11 intentionally:

12 ~~4.~~ a. Injures, intimidates, or interferes with another because of ~~his sex~~, that  
13 individual's actual or perceived race, color, religion, sex, sexual orientation,  
14 disability, age, or national origin and because ~~he~~ that individual is or has been  
15 exercising or attempting to exercise ~~his~~ that individual's right to full and equal  
16 enjoyment of ~~any~~ a facility open to the public.

17 ~~2.~~ b. Injures, intimidates, or interferes with another because of ~~his sex~~, that  
18 individual's actual or perceived race, color, religion, sex, sexual orientation,  
19 disability, age, or national origin in order to intimidate ~~him~~ that individual or  
20 any other person from exercising or attempting to exercise ~~his~~ that individual's  
21 right to full and equal enjoyment of ~~any~~ a facility open to the public.

22 2. For purposes of this section, disability means a condition or a characteristic that  
23 renders an individual a disabled individual. A disabled individual is an individual  
24 who has a physical, sensory, or mental impairment that materially limits one or

1           more major life activities, has a record of such an impairment, or is regarded as  
2           having such an impairment.

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

5           **12.1-17-02. Aggravated assault.** A person is guilty of a class C felony, except if the  
6 victim is under the age of twelve years or the victim suffers permanent loss or impairment of the  
7 function of a bodily member or organ in which case the offense is a class B felony, if that  
8 person:

- 9           1. Willfully causes serious bodily injury to another human being;
- 10          2. Knowingly causes bodily injury or substantial bodily injury to another human being  
11           with a dangerous weapon or other weapon, the possession of which under the  
12           circumstances indicates an intent or readiness to inflict serious bodily injury;
- 13          3. Causes bodily injury or substantial bodily injury to another human being while  
14           attempting to inflict serious bodily injury on any human being; ~~or~~
- 15          4. Fires a firearm or hurls a destructive device at another human being; or
- 16          5. Causes the injury because of the victim's or another's actual or perceived race,  
17           color, religion, sex, sexual orientation, disability, age, or national origin. For  
18           purposes of this subdivision, disability means a condition or characteristic that  
19           renders an individual a disabled individual. A disabled individual is an individual  
20           who has a physical, sensory, or mental impairment that materially limits one or  
21           more major life activities, has a record of such an impairment, or is regarded as  
22           having such an impairment.

23           **SECTION 3. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **12.1-17-07. Harassment.**

- 26          1. A person is guilty of an offense if, with intent to frighten or harass another, the  
27           person:
  - 28           a. Communicates in writing or by telephone a threat to inflict injury on any  
29           person, to any person's reputation, or to any property;
  - 30           b. Makes a telephone call anonymously or in offensively coarse language;

- 1           c. Makes repeated telephone calls, whether or not a conversation ensues, with  
2           no purpose of legitimate communication; ~~or~~
- 3           d. Communicates a falsehood in writing or by telephone and causes mental  
4           anguish; or
- 5           e. Communicates bias based on race, color, religion, sex, sexual orientation,  
6           disability, age, or national origin. For purposes of this subdivision, disability  
7           means a condition or characteristic that renders an individual a disabled  
8           individual. A disabled individual is an individual who has a physical, sensory,  
9           or mental impairment that materially limits one or more major life activities,  
10           has a record of such an impairment, or is regarded as having such an  
11           impairment.
- 12           2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or  
13           subsection 4. Otherwise it is a class B misdemeanor.
- 14           3. Any offense defined herein and committed by use of a telephone may be deemed  
15           to have been committed at either the place at which the telephone call or calls  
16           were made or at the place where the telephone call or calls were received.
- 17           4. A person who telephones a 911 emergency line with the intent to annoy or harass  
18           another person or who makes a false 911 report is guilty of a class A  
19           misdemeanor.
- 20           a. Intent to annoy or harass is established by proof of one or more calls with no  
21           legitimate 911 purpose.
- 22           b. Upon conviction of a violation of this subsection, a person is also liable for all  
23           costs incurred by any unnecessary emergency response.
- 24           5. Any offense defined herein is deemed communicated in writing if it is transmitted  
25           electronically, by electronic mail, facsimile, or other similar means.

26           **SECTION 4. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **12.1-21-05. Criminal mischief.**

- 29           1. A person is guilty of an offense if that person:
- 30           a. Willfully tampers with tangible property of another so as to endanger person  
31           or property; or

- 1                   b. Willfully damages tangible property of another.
- 2           2. The offense is:
- 3           a. A class B felony if the actor intentionally causes pecuniary loss in excess of
- 4           ten thousand dollars.
- 5           b. A class C felony if the actor intentionally causes pecuniary loss in excess of
- 6           two thousand dollars but not in excess of ten thousand dollars or damages
- 7           tangible property of another by means of an explosive or a destructive device.
- 8           c. A class C felony if the actor's conduct shows bias based on race, color,
- 9           religion, sex, sexual orientation, disability, age, or national origin. For
- 10           purposes of this subdivision, disability means a condition or characteristic that
- 11           renders an individual a disabled individual. A disabled individual is an
- 12           individual who has a physical, sensory, or mental impairment that materially
- 13           limits one or more major life activities, has a record of such an impairment, or
- 14           is regarded as having such an impairment.
- 15           d. A class A misdemeanor if the actor recklessly causes pecuniary loss in
- 16           excess of two thousand dollars or if the actor intentionally causes pecuniary
- 17           loss of from one hundred dollars through two thousand dollars.
- 18           e. ~~Otherwise the offense is a~~ A class B misdemeanor except as provided in
- 19           subdivision a, b, c, or d.