Sixty-second Legislative Assembly of North Dakota FIRST DRAFT: Prepared by the Legislative Council staff for the Judiciary Committee September 2010

Introduced by

- 1 A BILL for an Act to amend and reenact section 12.1-21-04 of the North Dakota Century Code,
- 2 relating to the penalty for intentionally causing a catastrophe.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-21-04 of the North Dakota Century Code is 5 amended and reenacted as follows:

6 12.1-21-04. Release of destructive forces. 7 1. A person is guilty of a class **B** <u>AA</u> felony if he that person intentionally causes a 8 catastrophe by any means and is guilty of a class C felony if he does so willfully. 9 A person is guilty of a class C felony if he willfully creates a risk of catastrophe, 2. 10 although no fire, explosion, or other destruction results. 11 3. A person who knowingly does an act which causes or which he knows is likely to 12 cause a catastrophe, or assents to the doing of such act, is guilty of a class G 13 felony if he willfully fails to take reasonable measures to prevent the catastrophe. 14 Catastrophe means serious bodily injury to ten or more people or substantial 4. 2. 15 damage to ten or more separate habitations or structures or property loss in 16 excess of five hundred thousand dollars damage to one or more structures in 17 excess of five hundred thousand dollars, property loss in excess of five hundred 18 thousand dollars, or a substantial risk of serious bodily injury or death to five or 19 more individuals.