

**HOUSE BILL NO. 1307**

Introduced by

Representatives K. Koppelman, Delmore, M. Johnson

Senator Luick

1 A BILL for an Act to amend and reenact section 12.1-12-06 of the North Dakota Century Code,  
2 relating to threatening of public servants; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-12-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12.1-12-06. Threatening public servants.**

- 7 1. A person is guilty of a class C felony if ~~he~~that person threatens harm to ~~another a~~  
8 public servant with intent to influence ~~his~~the public servant's official action as a public  
9 servant in a pending or prospective judicial or administrative proceeding held before  
10 ~~him~~the public servant, or with intent to influence ~~him~~the public servant to violate ~~his~~the  
11 public servant's duty as a public servant.
- 12 2. A person is guilty of a class C felony if, with intent to influence another's official action  
13 as a public servant, ~~he~~the person threatens:
- 14 a. To commit any crime or to do anything unlawful;
- 15 b. To accuse anyone of a crime; or
- 16 c. To expose a secret or publicize an asserted fact, whether true or false, tending to  
17 subject any ~~person~~individual, living or deceased, to hatred, contempt, or ridicule,  
18 or to impair another's credit or business repute.
- 19 3. a. A person is guilty of an offense if the person files any lien or encumbrance  
20 against real or personal property of a public servant if that person knows or has  
21 reason to know the lien or encumbrance is false or contains any materially false  
22 or fraudulent statement or representation.

1        b. An offense under this subsection is a class A misdemeanor, unless the person  
2        previously pled guilty or had been convicted under this subsection on two or  
3        more occasions, in which event the offense is a class C felony.

4        4. It is ~~no~~not a defense to a prosecution under this section that ~~a person~~an individual  
5        whom the actor sought to influence was not qualified to act in the desired way whether  
6        because ~~he~~the individual had not yet assumed office, or lacked jurisdiction, or for any  
7        other reason.

8        ~~4. A person is guilty of a class C felony if the person files, attempts to file, or conspires to~~  
9        ~~file, in any public or private record that is generally available to the public, any false~~  
10       ~~lien or encumbrance against real or personal property of a public servant if that person~~  
11       ~~knows or has reason to know the lien or encumbrance is false or contains any~~  
12       ~~materially false or fraudulent statement or representation.~~