Sixty-fourth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1307 (Representatives K. Koppelman, Delmore, M. Johnson) (Senator Luick)

AN ACT to amend and reenact section 12.1-12-06 of the North Dakota Century Code, relating to threatening of public servants; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12.1-12-06. Threatening public servants.

- A person is guilty of a class C felony if hethat person threatens harm to another public servant with intent to influence histhe public servant's official action as a public servant in a pending or prospective judicial or administrative proceeding held before himthe public servant, or with intent to influence himthe public servant to violate histhe public servant's duty as a public servant.
- 2. A person is guilty of a class C felony if, with intent to influence another's official action as a public servant, hethe person threatens:
 - To commit any crime or to do anything unlawful;
 - b. To accuse anyone of a crime; or
 - c. To expose a secret or publicize an asserted fact, whether true or false, tending to subject any <u>personindividual</u>, living or deceased, to hatred, contempt, or ridicule, or to impair another's credit or business repute.
- 3. <u>a.</u> A person is guilty of an offense if the person files any lien or encumbrance against real or personal property of a public servant if that person knows or has reason to know the lien or encumbrance is false or contains any materially false or fraudulent statement or representation.
 - b. An offense under this subsection is a class A misdemeanor, unless the person previously pled guilty or had been convicted under this subsection on two or more occasions, in which event the offense is a class C felony.
- 4. It is nonot a defense to a prosecution under this section that a personan individual whom the actor sought to influence was not qualified to act in the desired way whether because hethe individual had not yet assumed office, or lacked jurisdiction, or for any other reason.

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	Speaker of the House			President of the Senate	
	Chief C	lerk of the House		Secretary of the Senate	
				entatives of the Sixty- ody as House Bill No.	
House Vote:	Yeas 86	Nays 2	Absent 6		
Senate Vote:	Yeas 36	Nays 9	Absent 2		
				Chief Clerk of the H	ouse
Received by the Governor atM. on					, 2015.
Approved atM. on					, 2015.
				Governor	
Filed in this office thisday of					, 2015,
at o'	clock	<u>.</u> M.			
				Secretary of State	