

Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2193

Introduced by

Senators Dever, Hogue, Nelson

Representatives Delmore, Karls, Maragos

1 A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 and subsection 1 of
2 section 12.1-17-11 of the North Dakota Century Code, relating to the offenses of assault and
3 contact by fluids or excrement upon a health care provider; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-17-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. The offense is:

- 8 a. A class C felony when the victim is a peace officer or correctional institution
9 employee acting in an official capacity, which the actor knows to be a fact; an
10 employee of the state hospital acting in the course and scope of employment,
11 which the actor knows to be a fact, and the actor is an individual committed to or
12 detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a
13 judicial proceeding; a health care provider acting in the scope of employment,
14 which the actor knows to be a fact; or a member of a municipal or volunteer fire
15 department or emergency medical services personnel unit or emergency
16 department worker in the performance of the member's duties.
- 17 b. A class B misdemeanor for the first offense when the victim is an actor's family or
18 household member as defined in subsection 4 of section 14-07.1-01 and a
19 class A misdemeanor for a second or subsequent offense when the victim is an
20 actor's family or household member as defined in subsection 4 of section
21 14-07.1-01 and the actor has a prior conviction for simple assault under this
22 section or an assault offense under section 12.1-17-01.1 or 12.1-17-02 involving
23 the commission of domestic violence as defined in subsection 2 of section
24 14-07.1-01. For purposes of this subdivision, a prior conviction includes a

1 conviction of any assault offense in which a finding of domestic violence was
2 made under a law or ordinance of another state which is equivalent to this
3 subdivision.

4 c. A class B misdemeanor except as provided in subdivision a or b.

5 **SECTION 2. AMENDMENT.** Subsection 1 of section 12.1-17-11 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. An individual is guilty of an offense if the individual causes blood, emesis, excrement,
8 mucus, saliva, semen, vaginal fluid, or urine to come in contact with:
9 a. A law enforcement officer acting in the scope of employment;
10 b. An employee of a correctional facility or the department of corrections and
11 rehabilitation acting in the scope of employment unless the employee does an act
12 within the scope of employment which requires or causes the contact;
13 c. Any person lawfully present in a correctional facility who is not an inmate;
14 d. Any person lawfully present in the penitentiary or an affiliated facility of the
15 penitentiary who is not an inmate; or
16 e. Any person who is transporting an individual who is lawfully detained; or
17 f. Any health care provider acting in the scope of employment unless the health
18 care provider does an act within the scope of employment which requires or
19 causes the contact.