

HOUSE BILL NO. 1121

Introduced by

Representatives Heinert, Ista, Meier, O'Brien, Porter

1 A BILL for an Act to amend and reenact section 12.1-17-01 of the North Dakota Century Code,
2 relating to assault on a health care facility employee; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-17-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-17-01. Simple assault.**

7 1. A person is guilty of an offense if that person:

8 a. Willfully causes bodily injury to another human being; or

9 b. Negligently causes bodily injury to another human being by means of a firearm,
10 destructive device, or other weapon, the use of which against a human being is
11 likely to cause death or serious bodily injury.

12 2. The offense is:

13 a. A class C felony ~~when~~if the victim is a:

14 (1) A peace officer or correctional institution employee acting in an official
15 capacity, which the actor knows to be a fact; ~~an~~

16 (2) An employee of the state hospital acting in the course and scope of
17 employment, which the actor knows to be a fact, and the actor is an
18 individual committed to or detained at the state hospital pursuant to chapter
19 25-03.3; ~~a person~~

20 (3) An individual engaged in a judicial proceeding; ~~or a~~

21 (4) A member of a municipal or volunteer fire department or emergency medical
22 services personnel unit or emergency department worker in the
23 performance of the member's duties; or

- 1 (5) An individual employed or contracted by a health care facility, which the
2 actor knows to be a fact, and the assault occurs on the health care facility
3 property. For purposes of this paragraph, "health care facility" means an
4 office or institution providing health care services or treatment of diseases,
5 whether physical, mental, or emotional, or other medical, physiological, or
6 psychological conditions, including a hospital, clinic, ambulatory surgery
7 center, outpatient care facility, weight control clinic, nursing home, basic
8 care or assisted living facility, laboratory, or office of any medical
9 professional licensed or registered under title 43 or any individual included
10 within a specialty or subspecialty of those fields. The term includes a waiting
11 room, hallway, private room, semiprivate room, ward, and any mobile or
12 temporary facility.
13 b. A class B misdemeanor except as provided in subdivision a.