

**SENATE BILL NO. 2257**

Introduced by

Senator Myrdal

1 A BILL for an Act to amend and reenact subsection 5 of section 12.1-23-05 of the North Dakota  
2 Century Code, relating to grading of theft offenses of values not exceeding five hundred dollars;  
3 and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 12.1-23-05 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 5. a. Theft under this chapter of property or services of a value not exceeding five  
8 hundred dollars is a class B misdemeanor for a first offense if:

9 (1) The theft was committed by shoplifting; or

10 (2) The following three factors are met:

11 (a) The theft was not committed by threat;

12 (b) The theft was not committed by deception by one who stood in a  
13 confidential or fiduciary relationship to the victim of the theft; and

14 (c) The defendant was not a public servant or an officer or employee of a  
15 financial institution who committed the theft in the course of official  
16 duties.

17 b. The special classification provided in paragraph 2 of subdivision a applies if the  
18 offense is classified under this subsection in the charge or if, at sentencing, the  
19 required factors are established by a preponderance of the evidence.

20 c. A second or third offense under paragraph 1 of subdivision a, or an equivalent  
21 ordinance, occurring within three years is a class A misdemeanor. A fourth or  
22 subsequent violation under paragraph 1 of subdivision a, or an equivalent  
23 ordinance, occurring within four years is a class C felony.

- 1           d. A sentence imposed under this subsection must be accompanied by a written
- 2           statement by the court providing notice of any offense under this section which
- 3           provides an enhanced penalty, including the penalty for a subsequent offense.