

SENATE BILL NO. 2268

Introduced by

Senators K. Roers, Dever

Representatives Heinert, J. Nelson, Westlund

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 provider; 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:~~

14 (1) When the victim is a peace officer or correctional institution employee acting
15 in an official capacity, which the actor knows to be a fact; an employee of
16 the state hospital acting in the course and scope of employment, which the
17 actor knows to be a fact, and the actor is an individual committed to or
18 detained at the state hospital pursuant to chapter 25-03.3; ~~a person an~~
19 individual engaged in a judicial proceeding; or a member of a municipal or
20 volunteer fire department or emergency medical services personnel unit or
21 emergency department worker in the performance of the member's duties;
22 or

23 (2) If the victim is employed or contracted by a health care facility, which the
24 actor knows to be a fact, and the assault occurs on the health care facility.

1 property. For purposes of this section "health care facility" means an office
2 or institution providing health care services or treatment of diseases,
3 whether physical, mental, or emotional, or other medical, physiological, or
4 psychological conditions, including a hospital, clinic, ambulatory surgery
5 center, outpatient care facility, weight control clinic, nursing home, basic
6 care or assisted living facility, laboratory, or office of any medical
7 professional licensed or registered under title 43 or any individual included
8 within a specialty and subspecialty of those fields. The term includes a
9 waiting room, hallway, private room, semiprivate room, ward, and any
10 mobile or temporary facility.

11 b. A class B misdemeanor except as provided in subdivision a.