

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1378  
(Representatives Schauer, Beltz, Christy, Grueneich, Heinert, Strinden, Wagner)  
(Senators Dever, Lee, Sorvaag, Wanzek)

AN ACT to create and enact a new subdivision to subsection 3 of section 12.1-23-05 of the North Dakota Century Code, relating to grading of theft offenses; to amend and reenact section 12.1-21-05 of the North Dakota Century Code, relating to criminal mischief; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 12.1-21-05 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-21-05. Criminal mischief.**

1. A person is guilty of an offense if that person:
  - a. Willfully tampers with tangible property of another so as to endanger person or property; or
  - b. Willfully damages tangible property of another.
2. The offense is:
  - a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten thousand dollars.
  - b. A class C felony if the actor intentionally causes pecuniary loss in excess of two thousand dollars but not in excess of ten thousand dollars or damages tangible property of another by means of an explosive or a destructive device.
  - c. A class C felony if the actor commits the offense while engaged in a riot, as defined in section 12.1-25-01.
  - d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of two thousand dollars or if the actor intentionally causes pecuniary loss of from one hundred dollars through two thousand dollars.

Otherwise the offense is a class B misdemeanor.

**SECTION 2.** A new subdivision to subsection 3 of section 12.1-23-05 of the North Dakota Century Code is created and enacted as follows:

The property is stolen while engaging in a riot as defined in section 12.1-25-01 or while with an organized group of five or more individuals.

Dennis E. Johnson  
Speaker of the House

Tanner Miller  
President of the Senate

Buell J. Reek  
Chief Clerk of the House

Dana Morgan  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1378.

House Vote:      Yeas 91              Nays 0              Absent 3

Senate Vote:    Yeas 45              Nays 2              Absent 0

Buell J. Reek  
Chief Clerk of the House

Received by the Governor at 9:43 A.M. on March 15, 2023.

Approved at 7:03 P.M. on March 15, 2023.

Doug Burgin  
Governor

Filed in this office this 16th day of March, 2023,

at 10:50 o'clock A. M.

Michael Home  
Secretary of State