

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1426
(Representatives Porter, Kempenich, Rohr, Schmidt)
(Senator Schaible)

AN ACT to amend and reenact subsection 4 of section 12.1-25-01, subsection 1 of section 12.1-25-02, subsection 1 of section 12.1-25-03, and section 12.1-25-04 of the North Dakota Century Code, relating to riot offenses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 12.1-25-01 of the North Dakota Century Code is amended and reenacted as follows:

4. The offense is a class ~~GB~~ felony if it is under subdivision b of subsection 1 ~~and~~ the riot involves one hundred or more persons. Otherwise it is a class ~~A-misdemeanor~~ C felony.

SECTION 2. AMENDMENT. Subsection 1 of section 12.1-25-02 of the North Dakota Century Code is amended and reenacted as follows:

1. A person is guilty of a class ~~GB~~ felony if ~~he~~ the person:
 - a. Knowingly supplies a firearm, dangerous weapon, or destructive device for use in a riot;
 - b. Teaches another to prepare or use a firearm, dangerous weapon, or destructive device with intent that any such thing be used in a riot; or
 - c. While engaging in a riot, is knowingly armed with a firearm, dangerous weapon, or destructive device.

SECTION 3. AMENDMENT. Subsection 1 of section 12.1-25-03 of the North Dakota Century Code is amended and reenacted as follows:

1. A person is guilty of a class ~~BA~~ misdemeanor if ~~he~~ the person engages in a riot, as defined in section 12.1-25-01.

SECTION 4. AMENDMENT. Section 12.1-25-04 of the North Dakota Century Code is amended and reenacted as follows:

12.1-25-04. Disobedience of public safety orders under riot conditions.

A person is guilty of a class ~~BA~~ misdemeanor if, during a riot as defined in section 12.1-25-01, or when one is immediately impending, ~~he~~ the person disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by the senior law enforcement official on the scene.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1426 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 63 Nays 27 Absent 4

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 35 Nays 10 Absent 2

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,
at _____ o'clock _____ M.

Secretary of State