

**HOUSE BILL NO. 1326**

Introduced by

Representatives Schneider, Heinert, Ista, Klemin, D. Johnston, Wolff

Senators Dwyer, Hogan, Sickler

1 A BILL for an Act to amend and reenact section 12.1-05-03 of the North Dakota Century Code,  
2 relating to self-defense and the unlawful possession of a firearm; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-05-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12.1-05-03. Self-defense.**

7 ~~A person~~An individual is justified in using force upon another ~~person~~individual to defend  
8 ~~himself~~oneself against danger of imminent unlawful bodily injury, sexual assault, or detention by  
9 ~~such~~the other personindividual, except that an individual is not justified in using force:

10 1. ~~A person is not justified in using force for~~For the purpose of resisting arrest, execution  
11 of process, or other performance of duty by a public servant under color of law, but  
12 excessive force may be resisted.

13 2. ~~A person is not justified in using force if~~If the individual:

14 a. ~~He intentionally~~Intentionally provokes unlawful action by another ~~person~~individual  
15 to cause bodily injury or death to ~~such~~the other personindividual; or

16 b. ~~He has entered into a~~Enters mutual combat with another ~~person~~individual or is  
17 the initial aggressor unless ~~he~~the individual is resisting force which is clearly  
18 excessive in the circumstances. ~~A person's~~An individual's use of defensive force  
19 after ~~he~~the individual withdraws from an encounter and indicates to the other  
20 ~~person~~individual that ~~he~~the individual has done so is justified if the latter  
21 nevertheless continues or menaces unlawful action; or

22 c. Possesses a firearm in violation of subdivision a or b of subsection 1 of section  
23 62.1-02-01 and used the firearm at the time the danger of imminent unlawful  
24 bodily injury, sexual assault, or detention occurred.