

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2216**

Introduced by

Senators Dever, Burckhard, Nelson

Representatives Karls, J. Nelson, Westlind

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-17-11 of the North Dakota
2 Century Code, relating to contact by bodily fluids or excrement; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-17-11 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. An individual is guilty of an offense if the individual causes blood, emesis, excrement,
7 mucus, saliva, semen, vaginal fluid, or urine to come in contact with:
 - 8 a. A law enforcement officer acting in the scope of employment;
 - 9 b. An employee of a correctional facility or the department of corrections and
10 rehabilitation acting in the scope of employment unless the employee does an act
11 within the scope of employment which requires or causes the contact;
 - 12 c. ~~Any person~~An individual lawfully present in a correctional facility who is not an
13 inmate;
 - 14 d. ~~Any person~~An individual lawfully present in the penitentiary or an affiliated facility
15 of the penitentiary who is not an inmate; ~~or~~
 - 16 e. ~~Any person who is~~An individual transporting an individual who is lawfully
17 detained;
 - 18 f. A health care facility employee or contractor acting within the scope of
19 employment unless the employee or contractor is performing an act within the
20 scope of employment which requires or causes the contact. A "health care
21 facility" means an office or institution providing health care services or treatment
22 of diseases, whether physical, mental, or emotional, or other medical,
23 physiological, or psychological conditions, including a hospital; clinic; ambulatory
24 surgery center; outpatient care facility; weight control clinic; nursing home; basic

1 care or assisted living facility; laboratory; or office of any medical professional
2 licensed or registered under title 43 or any individual who is included within a
3 specialty and subspecialty of those fields. The term includes a waiting room,
4 hallway, private room, semiprivate room, ward, and any mobile or temporary
5 facility; or
6 g. An emergency responder, including a licensed medical services provider, law
7 enforcement officer, firefighter, volunteer firefighter, officer of a nonprofit volunteer
8 fire department, emergency medical technician, emergency nurse, ambulance
9 operator, provider of civil defense services, or any other individual who in good
10 faith renders emergency care or assistance at a crime scene or the scene of an
11 emergency or accident.