

SENATE BILL NO. 2079

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsections 4 and 7 of section 12.1-31.2-01 and
2 subsection 3 of section 14-07.1-03 of the North Dakota Century Code, relating to temporary
3 protection and disorderly conduct restraining orders.

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

5 **SECTION 1. AMENDMENT.** Subsections 4 and 7 of section 12.1-31.2-01 of the North
6 Dakota Century Code are amended and reenacted as follows:

7 4. If the petition for relief alleges reasonable grounds to believe that an individual has
8 engaged in disorderly conduct, the court, pending a full hearing, may grant a
9 temporary disorderly conduct restraining order ordering the individual to cease or
10 avoid the disorderly conduct or to have no contact with the person requesting the
11 order. A temporary restraining order may be entered only against the individual
12 named in the petition. The court may issue the temporary restraining order without
13 giving notice to the respondent. ~~The~~ Unless otherwise terminated by the court, the
14 temporary restraining order is in effect for not more than thirty days, unless
15 otherwise terminated by the court until a restraining order issued under
16 subsection 5 is served.

17 7. A disorderly conduct restraining order must contain a conspicuous notice to the
18 respondent providing:
19 a. The specific conduct that constitutes a violation of the order;
20 b. Notice that violation of the restraining order is punishable by imprisonment of
21 up to one year or a fine of up to ~~one~~ two thousand dollars or both; and
22 c. Notice that a peace officer may arrest the respondent without a warrant and
23 take the respondent into custody if the peace officer has probable cause to
24 believe the respondent has violated an order issued under this section.

- 1 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-07.1-03 of the North Dakota
2 Century Code is amended and reenacted as follows:
- 3 3. ~~An~~ Unless otherwise terminated by the court, an ex parte temporary protection
4 order remains in effect; ~~in the court's discretion, for not more than thirty days,~~
5 ~~unless otherwise terminated by the court~~ until an order issued under
6 section 14-07.1-02 is served.