

**SECOND ENGROSSMENT
with Senate Amendments**Fifty-seventh
Legislative Assembly
of North Dakota**REENGROSSED HOUSE BILL NO. 1208**

Introduced by

Representatives Klemin, Mahoney

Senator Watne

1 A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code,
2 relating to DNA testing; to provide an effective date; and to provide an expiration date.

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

4 **SECTION 1. AMENDMENT.** Section 31-13-03 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **31-13-03. Persons to be tested - Costs.** The court shall order any person convicted
7 on or after August 1, 1995, of any sexual offense or attempted sexual offense in violation of
8 sections 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-06, subdivision e or f of
9 subsection 1 of section 12.1-20-07, or section 12.1-20-11 or any other offense when the court
10 finds at sentencing that the person engaged in a nonconsensual sexual act or sexual contact
11 with another person during, in the course of, or as a result of, the offense and any person who
12 is in the custody of the department ~~on or after August 1~~ July 31, 1995, as a result of a
13 conviction of one of these offenses to have a sample of blood and other body fluids taken by
14 the department for DNA law enforcement identification purposes and inclusion in law
15 enforcement identification data bases. The court shall order any person convicted after
16 July 31, 2001, of a felony offense or attempted felony offense that is contained in chapter
17 12.1-16, 12.1-17, 12.1-18, 12.1-22, or 12.1-27.2 and any person who is in the custody of the
18 department after July 31, 2001, as a result of a conviction for one of these offenses to have a
19 sample of blood and other body fluids taken by the department for DNA law enforcement
20 identification purposes and inclusion in the law enforcement identification data bases.

21 Notwithstanding any other provision of law, if the sentencing court has not previously ordered a
22 sample of blood and other body fluids to be taken, the court retains jurisdiction and authority to
23 enter an order that the convicted person provide a sample of blood and other body fluids as
24 required by this section. Any person convicted ~~on or after August 1~~ July 31, 1995, who is not

1 sentenced to a term of confinement shall provide a sample of blood and other body fluids as a
2 condition of the sentence or probation at a time and place specified by the sentencing court.
3 The sentencing court shall assess the cost of the procedure ~~must be assessed to~~ against the
4 person being tested. The department shall collect the cost of the procedure from the person
5 being tested and transfer the amount collected to the state department of health for deposit in
6 the general fund.

7 **SECTION 2. EFFECTIVE DATE - GRANT APPLICATION.** The governor shall apply
8 for grant funds available under the federal DNA Analysis Backlog Elimination Act of 2000
9 [Pub. L. 106-546; 114 Stat. 2726] and certify the offenses in section 31-13-03 as qualifying
10 offenses. This Act becomes effective on the date the department of corrections and
11 rehabilitation certifies to the secretary of state and the legislative council that the department
12 will receive sufficient federal funding under the federal DNA Analysis Backlog Elimination Act
13 for the expected costs created by this Act which are not otherwise collected from a different
14 source.

15 **SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2004, and
16 after that date is ineffective.