

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

Representative Koppelman

1 A BILL for an Act to enact a new section of Chapter 25-03.3 of the North Dakota Century Code,
2 relating to the commitment of sexually dangerous individuals.

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

4 **SECTION 1.** A new section to chapter 25-03.3 of the North Dakota Century Code is
5 created and enacted as follows:

6 **25-03.3-17.1. Post-commitment community placement.** Following the commitment
7 of a sexually dangerous individual, the executive director may conduct a risk management
8 assessment of any committed individual for the purpose of determining whether the individual
9 may be treated safely in the community on an out-patient basis. The executive director may
10 place a committed individual in the community for treatment on an out-patient basis only
11 pursuant to a court order. The executive director may petition the court at any time for such
12 community placement. The executive director shall give the state's attorney notice of any
13 petition for community placement the executive director files with the court. Before the petition
14 is granted, the state's attorney has the right to be heard by the court. The state's attorney may
15 waive this right. At any hearing held pursuant to a petition by the executive director for the
16 community placement of a committed individual, the burden of proof required of the executive
17 director shall be a preponderance of the evidence. The court's order of community placement
18 shall contain appropriate restrictions and requirements for the committed individual, including:

- 19 a. Participation and compliance with a specific course of treatment;
20 b. Submission to electronic monitoring and any other appropriate supervision;
21 c. Prohibition of the individual changing place of residency or leaving the state
22 without prior authorization of the court;
23 d. Establishment of safety zones, and compliance by the committed individual
24 with those safety zones;

- 1 e. Requirement that the committed individual notify the court within 24 hours of
- 2 any change in the individual's status that affects proper treatment or
- 3 supervision; and
- 4 f. Any other restriction or requirement deemed necessary by the court to assure
- 5 public safety and proper treatment of the committed individual. Violation by a
- 6 committed individual of a court order issued pursuant to this section is a Class
- 7 C felony.