

**HOUSE BILL NO. 1441**

Introduced by

Representatives Wieland, Boehning, Grande

1 A BILL for an Act to amend and reenact subsections 2 and 3 of section 12.1-32-15 of the North  
2 Dakota Century Code, relating to the registration requirements of certain offenders

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

4 **SECTION 1. AMENDMENT.** Subsections 2 and 3 of section 12.1-32-15 of the North  
5 Dakota Century Code are amended and reenacted as follows:

6 2. The court shall impose, in addition to any penalty provided by law, a requirement  
7 that the individual register, within ten days of ~~coming into a county in which the~~  
8 ~~individual resides or is temporarily domiciled~~ being informed by the court or law  
9 enforcement of the duty to register. The court shall require the individual to read  
10 and sign a form developed by the attorney general which states that the duty of the  
11 individual to register under this section has been explained to that individual. The  
12 individual must register with the chief of police of the city or the sheriff of the county  
13 if the individual resides, attends school, or is employed in an area other than a city.  
14 The court shall require an individual to register by stating this requirement on the  
15 court records, if that individual:

16 a. Has pled guilty or nolo contendere to, or been found guilty as a felonious  
17 sexual offender or an attempted felonious sexual offender, including juvenile  
18 delinquent adjudications of equivalent offenses unless the offense is listed in  
19 subdivision c.

20 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual  
21 offender for, a misdemeanor or attempted misdemeanor. The court may  
22 deviate from requiring an individual to register if the court first finds the  
23 individual is no more than three years older than the victim if the victim is a  
24 minor, the individual has not previously been convicted as a sexual offender

or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

c. Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.

d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, including juvenile delinquent adjudications of equivalent offenses. Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated delinquent of any crime against another individual which is not otherwise specified in this section if the court finds the individual demonstrated mental abnormality or sexual predatory conduct in the commission of the offense and therefore orders registration for the individual. If the court orders an individual to register as an offender under this section, the individual shall comply with all of the registration requirements in this chapter.

3. a. If a court has not ordered an individual to register in this state, an individual who resides or is temporarily domiciled in this state shall register if the individual:

a. (1) Is incarcerated or is on probation or parole after July 31, 1995, for a crime against a child described in section 12.1-29-02, or section

- 1 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the  
2 victim, or as a sexual offender;
- 3 ~~b.~~ (2) Has pled guilty or nolo contendere to, or been found guilty of, an  
4 offense in a court of this state for which registration is mandatory under  
5 this section or another state or the federal government equivalent to  
6 those offenses set forth in this section; or
- 7 ~~e.~~ (3) Has pled guilty or nolo contendere to, or has been found guilty of, a  
8 crime against a child or as a sexual offender for which registration is  
9 mandatory under this section if the conviction occurred after July 31,  
10 1985.
- 11 b. If a court has not ordered an individual to register in this state, an individual  
12 who resides or is temporarily domiciled in this state must be informed by the  
13 court or law enforcement of the duty to register under this section before the  
14 individual may be charged with failure to register. The court or law  
15 enforcement shall require the individual to read and sign a form developed  
16 by the attorney general which states that the duty of the individual to register  
17 under this subsection has been explained to that individual. The court or law  
18 enforcement shall obtain the address where the individual expects to reside,  
19 attend school, or work and shall report the address to the attorney general.  
20 The court or law enforcement shall forward one copy of the completed form to  
21 the individual and two copies of the completed form to the attorney general.  
22 The attorney general shall forward one copy to the appropriate law  
23 enforcement agency having jurisdiction where the individual expects to reside,  
24 attend school, or work. If the individual is being monitored by an out-of-state  
25 jurisdiction and is in compliance with registration requirements of that state,  
26 the court may waive the requirement to register in this state.