

**FIRST ENGROSSMENT  
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2256**

Introduced by

Senators Fiebiger, Mathern, Nething

Representatives Schneider, Zaiser

1 A BILL for an Act to amend and reenact the new section to chapter 12.1-20 of the North Dakota  
2 Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth  
3 legislative assembly, relating to sexual offenders on school property.

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

5 **SECTION 1.** The new section to chapter 12.1-20 of the North Dakota Century Code as  
6 created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, is  
7 amended and reenacted as follows:

8 **Sexual offender presence near schools prohibited.**

- 9 1. Except for purposes of voting in a school building used as a public polling place or  
10 attending an open meeting under chapter 44-04 in a school building, a sexual  
11 offender, as defined in section 12.1-32-15, who has pled guilty or been found guilty  
12 of or has been adjudicated delinquent of a class A misdemeanor or felony sexual  
13 offense against a minor or is required to register under section 12.1-32-15 or  
14 equivalent law of another state may not knowingly enter upon the real property  
15 comprising a public or nonpublic elementary, middle, or high school unless  
16 provided by this section or allowed on school property through compliance with a  
17 written policy adopted by the school board of a public school or governing body of  
18 a nonpublic school. The school board or governing body shall provide a copy of  
19 the policy to local law enforcement upon request.
- 20 2. If a school board or a governing body does not have a written policy on sexual  
21 offenders on school property, subsection 1 does not apply under the following  
22 circumstances:
- 23 a. The offender is a parent or guardian of a student attending the school and the  
24 offender, with the written permission of the school board or governing body of

- 1                   the school, or designee of the board or body, is attending a conference at the  
2                   school with school personnel to discuss the progress of the student  
3                   academically or socially, participating in a child review conference in which  
4                   evaluation and placement decisions may be made regarding special  
5                   education services, or attending a conference to discuss other student issues,  
6                   including retention and promotion.
- 7                   b. The offender is a parent, guardian, or relative of a student attending or  
8                   participating in a function at the school and the offender has requested  
9                   advance permission from the school board or governing body, or designee of  
10                  the board or body, and received permission allowing the offender's presence  
11                  at the school function.
- 12                  c. The offender is a student at the school with the written permission of the  
13                  school board or governing body, or designee of the board or body.
- 14                  d. The school board or governing body, or designee of the board or body, allows  
15                  the offender on school property under other circumstances on a case-by-case  
16                  basis.
- 17                  3. An individual who violates this section is guilty of a class A misdemeanor.