

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 principal or administrator of the

- 1 school, is attending a conference at the school with school personnel to
2 discuss the progress of the student academically or socially, participating in a
3 child review conference in which evaluation and placement decisions may be
4 made regarding special education services, or attending a conference to
5 discuss other student issues, including retention and promotion.
- 6 b. The offender is a parent, guardian, or relative of a student attending or
7 participating in a function at the school and the offender has filed with the
8 school written permission from a probation officer allowing the offender's
9 presence at school functions where other adults are present with the
10 students.
- 11 c. The offender is a parent, guardian, or relative of a student attending or
12 participating in a function at the school and the offender is not on supervised
13 probation and has requested advance permission from the superintendent or
14 school board allowing the offender's presence at school functions.
- 15 d. The offender is a student at the school.
- 16 e. The offender is attending a religious service at the school while the school is
17 not in session.
- 18 3. An individual who violates this section is guilty of a class A misdemeanor.