

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1472

Introduced by

Representatives Clark, Berg, Dietrich, Thoreson

Senators Flakoll, Nelson

1 A BILL for an Act to create and enact a new section to chapter 12.1-20, a new subsection to  
2 section 12.1-20-05, and a new subsection to section 12.1-20-12.1 of the North Dakota Century  
3 Code, relating to the presence near schools of certain sexual offenders; to amend and reenact  
4 subsection 14 of section 12.1-32-15 of the North Dakota Century Code, relating to liability of  
5 school officials; and to provide a penalty.

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

7 **SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is  
8 created and enacted as follows:

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

- 10 1. A sexual offender, as defined in section 12.1-32-15, who has pled guilty or been  
11 found guilty of or has been adjudicated delinquent of a class A misdemeanor or  
12 felony sexual offense against a minor or is required to register under section  
13 12.1-32-15 or equivalent law of another state may not knowingly enter upon the  
14 real property comprising a public or private elementary or high school except as  
15 provided in this section.
- 16 2. An individual who violates this section is guilty of a class A misdemeanor. This  
17 section does not apply under the following circumstances:
- 18 a. The offender is a parent or guardian of a student attending the school and the  
19 offender is attending a conference at the school with school personnel to  
20 discuss the progress of the student academically or socially, participating in  
21 child review conferences in which evaluations and placement decisions may  
22 be made regarding special education services, or attending conferences to  
23 discuss other student issues, including retention and promotion.

- 1            b. The offender is a parent, guardian, or relative of a student attending or  
2            participating in a function at the school and the offender has filed with the  
3            school written permission from a probation officer allowing the offender's  
4            presence at school functions where other adults are present with the  
5            students.
- 6            c. The offender is a parent, guardian, or relative of a student attending or  
7            participating in a function at the school and the offender is not on supervised  
8            probation and has requested advance permission from the superintendent or  
9            school board allowing the offender's presence at school functions.
- 10           d. The offender is present for the purpose of voting in a school building that is  
11           used as a public polling place.
- 12           e. The offender is a student at the school.
- 13           f. The offender is attending a religious service at the school while the school is  
14           not in session.

15           **SECTION 2.** A new subsection to section 12.1-20-05 of the North Dakota Century  
16 Code is created and enacted as follows:

17           An adult who commits a violation of subsection 1 within fifty feet [15.24 meters] of  
18           or on the real property comprising a public or private elementary or high school is  
19           guilty of a class C felony. An adult who commits a violation of subsection 2 within  
20           fifty feet [15.24 meters] of or on the real property comprising a public or private  
21           elementary or high school is guilty of a class B felony.

22           **SECTION 3.** A new subsection to section 12.1-20-12.1 of the North Dakota Century  
23 Code is created and enacted as follows:

24           A person who commits a violation of subsection 1 within fifty feet [15.24 meters] of  
25           or on the real property comprising a public or private elementary or high school is  
26           guilty of a class C felony. A person who commits a violation of subsection 2 within  
27           fifty feet [15.24 meters] of or on the real property comprising a public or private  
28           elementary or high school is guilty of a class B felony.

29           **SECTION 4. AMENDMENT.** Subsection 14 of section 12.1-32-15 of the North Dakota  
30 Century Code is amended and reenacted as follows:

- 1           14.   A state officer, law enforcement agency, or school district or any appointee, officer,  
2                   or employee of those entities is not subject to civil or criminal liability for making  
3                   risk determinations, allowing a sexual offender to attend a school function under  
4                   section 1 of this Act, or for disclosing or for failing to disclose information as  
5                   permitted by this section.