

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 1, after "sections" insert "12.1-20-05.1," and after "29-03-01.1" insert a comma

Page 1, line 2, after "to" insert "the luring of a minor by electronic means," and after "state" insert a comma

Page 1, line 3, after "offenses" insert "; and to provide a penalty"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 12.1-20-05.1 of the North Dakota Century Code is amended and reenacted as follows:

12.1-20-05.1. Luring minors by computer or other electronic means. An adult is guilty of luring minors by computer or other electronic means when:

1. The adult knows the character and content of a communication that, in whole or in part, implicitly or explicitly discusses or depicts actual or simulated nudity, sexual acts, sexual contact, sadomasochistic abuse, or other sexual performances and uses any computer communication system or other electronic means that allows the input, output, examination, or transfer of ~~computer~~ data or ~~computer~~ programs from one computer or electronic device to another to initiate or engage in such communication with a person the adult believes to be a minor; and
2. By means of that communication the adult importunes, invites, or induces a person the adult believes to be a minor to engage in sexual acts or to have sexual contact with the adult, or to engage in a sexual performance, obscene sexual performance, or sexual conduct for the adult's benefit, satisfaction, lust, passions, or sexual desires.
3. A violation of this section is a class A misdemeanor, ~~but~~ if the adult is less than twenty-two years of age and reasonably believes the minor is age fifteen to seventeen. If the adult is less than twenty-two years of age and reasonably believes the minor is under age fifteen, or the adult is twenty-two years of age or older ~~or~~ and the adult reasonably believes the minor is under the age of fifteen to seventeen, violation of this section is a class C felony. If the adult is twenty-two years of age or older and the adult reasonably believes the minor is under the age of fifteen, violation of this section is a class B felony. The court shall sentence an adult convicted of a class B or class C felony under this section to serve a term of imprisonment of at least one year, except the court may sentence an individual to less than one year if the individual did not take a substantial step toward meeting with the minor."

Page 1, replace lines 19 through 24 with:

"29-03-09. Venue of kidnapping, forcible restraint, unlawful imprisonment, electronic luring, or prostitution cases. The venue of a criminal action for any of the following offenses is in any county in which the offense is committed, or into or out of which the individual upon whom the offense was committed may have been brought, in the course of the commission of the offense, or in which an act was done by the accused in instigating, procuring, promoting, soliciting, or facilitating the commission of the offense:

1. ~~For kidnapping~~ Kidnapping, forcible restraint, or unlawful imprisonment, in violation of chapter 12.1-18; ~~or~~
2. ~~For A~~ A violation of section 12.1-29-01, 12.1-29-02, or 12.1-29-03 relating to prostitution;

~~is in any county in which the offense is committed, or into or out of which the person upon whom the offense was committed may have been brought, in the course of the commission of the offense, or in which an act was done by the accused in instigating, procuring, promoting, soliciting, or facilitating the commission of the offense; or~~

3. Luring a minor by computer or other electronic means in violation of section 12.1-20-05.1."

Page 2, remove lines 1 through 6

Renumber accordingly