

**FIRST ENGROSSMENT
with Senate Amendments**

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. Except for purposes of voting in a school building used as a public polling place or
11 attending an open meeting under chapter 44-04 in a school building, a sexual
12 offender, as defined in section 12.1-32-15, who has pled guilty or been found guilty
13 of or has been adjudicated delinquent of a class A misdemeanor or felony sexual
14 offense against a minor or is required to register under section 12.1-32-15 or
15 equivalent law of another state may not knowingly enter upon the real property
16 comprising a public or nonpublic elementary, middle, or high school unless allowed
17 on school property through compliance with a written policy adopted by the school
18 board of a public school or governing body of a nonpublic school.

19 2. An individual who violates this section is guilty of a class A misdemeanor.

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

22 An adult who commits a violation of subsection 1 within fifty feet [15.24 meters] of
23 or on the real property comprising a public or nonpublic elementary, middle, or
24 high school is guilty of a class C felony. An adult who commits a violation of

1 subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a
2 public or nonpublic elementary, middle, or high school is guilty of a class B felony.

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

5 A person who commits a violation of subsection 1 within fifty feet [15.24 meters] of
6 or on the real property comprising a public or nonpublic elementary, middle, or
7 high school is guilty of a class C felony. A person who commits a violation of
8 subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a
9 public or nonpublic elementary, middle, or high school is guilty of a class B felony.

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

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