

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1336

Introduced by

Representatives Griffin, Delmore, Klemin

Senators Lyson, Potter, Schneider

1 A BILL for an Act to create and enact a new section to chapter 12.1-31.2 of the North Dakota
2 Century Code, relating to the issuance of an order prohibiting contact; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 12.1-31.2 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Order prohibiting contact.**

- 7 1. If an individual who is charged with or arrested for a crime involving a violation of
8 chapter 12.1-17 or 12.1-20 is released from custody before arraignment or trial, the
9 court authorizing the release of the individual shall consider and may issue, if there
10 is no outstanding restraining or protection order prohibiting the individual from
11 having contact with the victim, an order prohibiting the individual from having
12 contact with the victim. The order must contain the court's directives and must
13 inform the individual that any violation of the order constitutes a criminal offense.
14 The court shall provide a copy of the order to the victim. The court shall determine
15 at the time of the individual's arraignment whether an order issued pursuant to this
16 section will be extended. If the court issues an order pursuant to this section
17 before the time the individual is charged, the order expires at the individual's
18 arraignment or within seventy-two hours of issuance if charges against the
19 individual are not filed.
- 20 2. If the court has probable cause to believe that the individual charged or arrested is
21 likely to use, display, or threaten to use a firearm or dangerous weapon as defined
22 in section 12.1-01-04 in any further act of violence, the court shall require that the
23 individual surrender for safekeeping any firearm or specified dangerous weapon in

1 or subject to the individual's immediate possession or control, to the sheriff of the
2 county or chief of police of the city in which the individual resides.

3 3. Whenever an order prohibiting contact is issued, modified, extended, or terminated
4 under this section, the clerk of court shall forward a copy of the order within one
5 business day to the appropriate law enforcement agency specified in the order.
6 Upon receipt of the copy of the order, the law enforcement agency shall enter the
7 order for one year or until the date of expiration specified by the order into any
8 information system available in the state that is used by law enforcement agencies
9 to list outstanding warrants. The order is enforceable in any jurisdiction in this
10 state.

11 4. An individual who violates a court order issued under this section is guilty of a
12 class A misdemeanor.

13 5. A law enforcement officer shall arrest an individual without a warrant if the officer
14 determines there is probable cause that the individual has committed the offense of
15 violating an order prohibiting contact under this section, whether or not the violation
16 was committed in the presence of the officer. A law enforcement officer who acts
17 in good faith on probable cause and without malice is immune from any civil or
18 criminal liability for making an arrest under this subsection.