

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Boehning

1 A BILL for an Act to amend and reenact section 12.1-20-25 of the North Dakota Century Code,
2 relating to sexual offenders near schools and licensed early childhood facilities.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-20-25 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-20-25. Sexual offender presence near schools or licensed early childhood**
7 **facilities prohibited.**

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

19 2. If a school board or a governing body does not have a written policy on sexual
20 offenders on school property, subsection 1 does not apply under the following
21 circumstances:

22 a. The offender is a parent or guardian of a student attending the school and the
23 offender, with the written permission of the school board or governing body of
24 the school, or designee of the board or body, is attending a conference at the

- 1 school with school personnel to discuss the progress of the student
2 academically or socially, participating in a child review conference in which
3 evaluation and placement decisions may be made regarding special
4 education services, or attending a conference to discuss other student issues,
5 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 requested
8 advance permission from the school board or governing body, or designee of
9 the board or body, and received permission allowing the offender's presence
10 at the school function.
- 11 c. The offender is a student at the school with the written permission of the
12 school board or governing body, or designee of the board or body.
- 13 d. The school board or governing body, or designee of the board or body, allows
14 the offender on school property under other circumstances on a case-by-case
15 basis.
- 16 3. Except as otherwise allowed by this section, a sexual offender, as defined in
17 section 12.1-32-15, who has pled guilty or been found guilty of or has been
18 adjudicated delinquent of a class A misdemeanor or felony sexual offense against
19 a minor or is required to register under section 12.1-32-15 or equivalent law of
20 another state may not reside within one thousand feet [300.48 meters] of the real
21 property comprising a public or nonpublic elementary, middle, or high school or a
22 licensed early childhood facility as defined in section 50-11.1-02 if the individual is
23 a high-risk sexual offender or a sexual offender whose victim was under fifteen
24 years of age.
- 25 4. An individual who violates this section is guilty of a class A misdemeanor.