

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 change residence so as to reside within one thousand feet  
21 [300.48 meters] of the real property comprising a public or nonpublic elementary,  
22 middle, or high school or a licensed early childhood facility as defined in section  
23 50-11.1-02 if the individual is a high-risk sexual offender or a sexual offender  
24 whose victim was under fifteen years of age.
- 25 4. An individual who violates this section is guilty of a class A misdemeanor.