

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1407

Introduced by

Representatives Thoreson, Dockter, Kading, Kasper

Senators Carlisle, Flakoll, Poolman

1 A BILL for an Act to amend and reenact subsections 1, 2, and 9 of section 12.1-32-15 of the
2 North Dakota Century Code, relating to the registration of sex offenders and offenders against
3 children who are homeless domiciled; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsections 1, 2, and 9 of section 12.1-32-15 of the North
6 Dakota Century Code are amended and reenacted as follows:

7 1. As used in this section:

8 a. "A crime against a child" means a violation of chapter 12.1-16, section
9 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04,
10 subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01,
11 12.1-18-02, 12.1-18-05, chapter 12.1-29, or subdivision a of subsection 1 or
12 subsection 2 of section 14-09-22, labor trafficking in violation of chapter 12.1-40,
13 or an equivalent offense from another court in the United States, a tribal court, or
14 court of another country, in which the victim is a minor or is otherwise of the age
15 required for the act to be a crime or an attempt or conspiracy to commit these
16 offenses.

17 b. "Department" means the department of corrections and rehabilitation.

18 c. "Homeless domiciled" means to not have a permanent address in any location
19 and to be physically present in the state.

20 d. "Mental abnormality" means a congenital or acquired condition of an individual
21 that affects the emotional or volitional capacity of the individual in a manner that
22 predisposes that individual to the commission of criminal sexual acts to a degree
23 that makes the individual a menace to the health and safety of other individuals.

d.-e. "Predatory" means an act directed at a stranger or at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

e.-f. "Sexual offender" means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a, 12.1-20-11, 12.1-20-12.1, or 12.1-20-12.2, chapter 12.1-27.2, or subsection 2 of section 12.1-22-03.1, sex trafficking in violation of chapter 12.1-40, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.

f.-g. "Sexually dangerous individual" means an individual who meets the definition specified in section 25-03.3-01.

g.-h. "Temporarily domiciled" means staying or being physically present in this state for more than thirty days in a calendar year or at a location for longer than ten consecutive days, attending school for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence.

2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless domiciled, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city or the sheriff of the county if the individual resides, attends school, or is employed in an area other than a city. A homeless domiciled individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:

- a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision c.

- 1 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender
2 for, a misdemeanor or attempted misdemeanor. The court may deviate from
3 requiring an individual to register if the court first finds the individual is no more
4 than three years older than the victim if the victim is a minor, the individual has
5 not previously been convicted as a sexual offender or of a crime against a child,
6 and the individual did not exhibit mental abnormality or predatory conduct in the
7 commission of the offense.
- 8 c. Is a juvenile found delinquent under subdivision d of subsection 1 of section
9 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual
10 offender for a misdemeanor. The court may deviate from requiring the juvenile to
11 register if the court first finds the juvenile has not previously been convicted as a
12 sexual offender or for a crime against a child, and the juvenile did not exhibit
13 mental abnormality or predatory conduct in the commission of the offense.
- 14 d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a
15 child or an attempted crime against a child, including juvenile delinquent
16 adjudications of equivalent offenses. Except if the offense is described in section
17 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent
18 of the victim, the court may deviate from requiring an individual to register if the
19 court first finds the individual has not previously been convicted as a sexual
20 offender or for a crime against a child, and the individual did not exhibit mental
21 abnormality or predatory conduct in the commission of the offense.
- 22 e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated
23 delinquent of any crime against another individual which is not otherwise
24 specified in this section if the court determines that registration is warranted by
25 the nature of the crime and therefore orders registration for the individual. If the
26 court orders an individual to register as an offender under this section, the
27 individual shall comply with all of the registration requirements in this chapter.
- 28 9. An individual required to register under this section who violates this section is guilty of
29 a class C felony. The failure of a homeless domiciled individual to register as required
30 in subsection 1 is prima facie evidence of a violation of this section. The clerk of court
31 shall forward all warrants issued for a violation of this section to the county sheriff, who

1 shall enter all such warrants into the national crime information center wanted person
2 file. A court may not relieve an individual, other than a juvenile, who violates this
3 section from serving a term of at least ninety days in jail and completing probation of
4 one year.