25.0807.02001 Title.03000 Prepared by the Legislative Council staff for Senator Wobbema
March 25, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff, VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
- 2 Century Code, relating to protection of a student victim of <u>a sexual assaultoffense</u>.

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

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Student sexual assault offense - Victim protection.

1. As used in this section:

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- a. "ConvictedResponsible student" means a student enrolled in a school who is aan adjudicated juvenile adjudicated delinquent or an adult convicted of committing a sexual assaultoffense upon another student enrolled in the same school.
- b. "Sexual assault offense" means a nonconsensual an offense under chapter
 12.1-20 for which "sexual act" or "sexual contact", as defined in section
 12.1-20-02, is an element and the offenses under sections 12.1-20-05,
 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.
- 2. A convicted responsible student enrolled in the same school as the victim of sexual assault shall adhere to a safety plan developed by the school district providing forwhich may include:
 - a. Consideration of the victim's input.
 - b. No contact with between the responsible student and the victim; and
- b. Proper separation in school buildings and educational activities.

1	— <u>3. Asc</u>	chool shall develop a safety plan for a convicted student that includes:
2	a. c.	Holding an expulsion hearing for a convicted the responsible student that which
3		grants procedural due process to the responsible student as provided by law and
4		within the time period prescribed under section 15.1-19-09. For a misdemeanor
5		offense, before holding an expulsion hearing, school administration shall review
6		the offense to determine whether an expulsion hearing is warranted.
7	b. d.	Transferring a convicted responsible student to an alternative education program,
8		which may include virtual education; if the responsible student is properly
9		supervised.
10	<u>c.e.</u>	Transferring a convicted responsible student to another school or building within
11		the school district; or.
12	<u>d.f.</u>	Separating the convicted responsible student from the victim at all times in school
13		buildings and educational activities when, if transferring the convicted responsible
14		student is not possible;.
15	g.	Scheduled reviews of the safety plan to assess necessary adjustments and
16		ensure continued safety of the victim.
17	h.	Other measures school administration deems appropriate to ensure the safety of
18		the victim.
19	<u>4.3.</u> The	school shall determine the duration of a separation resulting from the safety plan
20	based on:	
21	a.	The victim's input and well-being;
22	b.	The responsible student's age at the time of adjudication or conviction;
23	C.	The nature and severity of the offense;
24	d.	The responsible student's compliance with recommended intervention programs;
25	e.	The input of the victim or responsible student's legal guardian or custodian, child
26		welfare and mental health professionals, and legal representatives; and
27	f.	Other factors school administration deems appropriate.
28	4. A vi	ctim or the victim's legal guardian or custodian may request a review of the safety
29	plar	n, including modification or removal of restrictions.
30	5. Upo	on adjudication or conviction of a convicted responsible student, the juvenile court in
31	a iu	venile case or the state's attorney in an adult case shall provide the superintendent

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1	or designee of the school district in which the convicted responsible student is enrolled
2	with notice of the court's findings that are relevanta copy of the order of disposition or
3	judgment and, upon consent of the victim, the victim's name. A record provided under
1	this section is confidential under section 27-20.2-21.