

**House Bill 1247**  
**Senate Education Committee**  
**Testimony Presented by Cathy Ferderer**  
**March 5, 2025**

Good morning, Chairman Beard and members of the committee. My name is Cathy Ferderer, and I am the Director of Juvenile and Family Services with the State Court Administrator's Office. As part of that role, I oversee the policy and practice of the juvenile courts for the North Dakota Court System. I am here today to offer an amendment to House Bill 1247.

When considering the proposed bill, the juvenile court worked with Mr. Derek Steiner of the Fargo State's Attorney's Office to discuss implementing this legislation. We would like to offer the following amendments to assist in successfully implementing the legislative intent. In section 4, lines 7-9, we propose adding the language, "the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district." The juvenile court currently has the authority to share information with schools upon request; this proposed language would modify that practice. We also clarified that in adult cases, as some students have reached age 18 prior to graduation, it would be the responsibility of the state's attorney's office because the juvenile court would no longer have jurisdiction. Lines 9-10 clarify that the juvenile court would share the dispositional order, and the state's attorney's office

would share the judgment; this aligns the language with the current language. Line 11 clarifies that the victim's information may be shared with the victim's consent. Our experience is that not all victims may want their information shared with the school. Finally, we add a reference to section 27-20.2-21 of the Juvenile Court Act, which addresses the inspection of court files and records.

I appreciate your consideration and am happy to answer any questions you may have.

**PROPOSED AMENDMENTS TO****ENGROSSED HOUSE BILL NO. 1247****FIRST ENGROSSMENT**

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 sexual assault.

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

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

6 **Student sexual assault - Victim protection.**

7 **1. As used in this section:**

- 8 **a. "Convicted student" means a student enrolled in a school who is a juvenile**  
9 **adjudicated delinquent or an adult convicted of committing sexual assault upon**  
10 **another student enrolled in the same school.**  
11 **b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for**  
12 **which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an**  
13 **element.**

14 **2. A convicted student enrolled in the same school as the victim of sexual assault shall**  
15 **adhere to a safety plan developed by the school district providing for:**

- 16 **a. No contact with the victim; and**  
17 **b. Proper separation in school buildings and educational activities.**

18 **3. A school shall develop a safety plan for a convicted student that includes:**

- 19 **a. Holding an expulsion hearing for a convicted student that grants procedural due**  
20 **process to the student as provided by law and within the time period prescribed**  
21 **under section 15.1-19-09;**

- 1            b. Transferring a convicted student to an alternative education program, which may
- 2            include virtual education;
- 3            c. Transferring a convicted student to another school or building within the school
- 4            district; or
- 5            d. Separating the convicted student from the victim at all times in school buildings
- 6            and educational activities when transferring the convicted student is not possible.
- 7        4. Upon adjudication or conviction of a convicted student, ~~the juvenile court in a juvenile~~
- 8            case or the state's attorney in an adult case shall provide the superintendent or
- 9            designee of the school district in which the convicted student is enrolled with ~~notice of~~
- 10           ~~the court's findings that are relevant under this section~~ a copy of the order of
- 11           disposition or judgment and, upon consent of the victim, the victim's name. Any
- 12           records provided under this section remain confidential as provided in section 27-20.2-
- 13           21.