

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2034

Page 1, line 5, after the first comma insert "subsection 1 of section"

Page 1, line 16, replace "Disorder" with "Disorders"

Page 1, line 21, after the period insert "For purposes of evaluating an individual with mental retardation, the qualified expert must have specialized knowledge in sexual offender evaluations of individuals with mental retardation."

Page 2, line 17, after "~~with~~" insert "For these purposes," and remove the overstrike over "~~mental~~"

Page 2, line 18, remove the overstrike over "~~retardation~~" and insert immediately thereafter "is not a sexual disorder, personality disorder, or other mental disorder or dysfunction" and remove the overstrike over the period

Page 3, line 4, overstrike "suffers from" and insert immediately thereafter "has"

Page 3, line 5, overstrike "mental disease or defect" and insert immediately thereafter "disability", overstrike "renders" and insert immediately thereafter "substantially impairs", and overstrike "victim incapable of" and insert immediately thereafter "victim's"

Page 3, line 6, after "understanding" insert "of"

Page 3, line 7, overstrike "hospital" and insert immediately thereafter "treatment facility, health care facility" and overstrike "prison" and insert immediately thereafter "correctional facility"

Page 3, line 8, overstrike "or" and insert immediately thereafter an underscored comma and after "control" insert ", or care"

Page 5, line 11, replace "medical director of" with "superintendent of the developmental center and"

Page 6, line 15, after the underscored period insert "An individual with mental retardation may be detained in a correctional facility before the probable cause hearing only when no other secure facility is accessible, and then only under close supervision."

Page 6, line 21, overstrike "be signed by" and insert immediately thereafter "the respondent's" and overstrike "for the respondent" and insert immediately thereafter "shall separately certify that counsel has explained to the respondent the proceedings, the legal and factual issues, potential defenses, the burden of proof, and possible outcomes of the proceedings"

Page 7, line 5, replace "and" with an underscored comma and replace "or" with ", and"

Page 7, line 10, overstrike "chooses to waive" and insert immediately thereafter "knowingly waives"

Page 9, after line 11, insert:

**"SECTION 12. AMENDMENT.** Subsection 1 of section 25-03.3-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A committed individual must remain in the care, custody, and control of the executive director until, in the opinion of the executive director, the individual is safe to be at large ~~and has received the maximum benefit of treatment.~~"

Page 9, line 28, replace "and" with an underscored comma and replace "or" with ", and"

Page 10, line 8, replace "and" with an underscored comma and replace "or" with ", and"

Renumber accordingly