

HOUSE BILL NO. 1175

Introduced by

Representative Ekstrom

Senator Christenson

1 A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 23-07-07.5 and
2 section 23-07.7-01 of the North Dakota Century Code, relating to sexual offenses; and to repeal
3 section 12.1-20-10 of the North Dakota Century Code, relating to unlawful cohabitation.

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

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 23-07-07.5 of the
6 2001 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 b. Every individual, whether imprisoned or not, who is convicted of a sexual
8 offense under chapter 12.1-20, except for those convicted of violating sections
9 ~~12.1-20-10~~, 12.1-20-12.1, and 12.1-20-13; and

10 **SECTION 2. AMENDMENT.** Section 23-07.7-01 of the 2001 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 **23-07.7-01. Court-ordered sexual offense medical testing.** The court may order any
13 defendant charged with a sex offense under chapter 12.1-20 and any alleged juvenile offender
14 with respect to whom a petition has been filed in a juvenile court alleging violation of chapter
15 12.1-20 to undergo medical testing to determine whether the defendant or alleged juvenile
16 offender has any sexually transmitted diseases, including a test for infection with the human
17 immunodeficiency virus or any other identified positive agent of acquired immunodeficiency
18 syndrome. The court may not order a defendant charged with violating section ~~12.1-20-10~~,
19 12.1-20-12.1, or 12.1-20-13 or an alleged juvenile offender with respect to when a petition has
20 been filed in a juvenile court alleging violation of section ~~12.1-20-10~~, 12.1-20-12.1, or
21 12.1-20-13 to undergo the testing authorized by this section. The court may order the testing
22 only if the court receives a petition from the alleged victim of the offense or from the prosecuting
23 attorney if the alleged victim has made a written request to the prosecuting attorney to petition
24 the court for an order authorized under this section. On receipt of a petition, the court shall

1 determine, without a hearing, if probable cause exists to believe that a possible transfer of a
2 sexually transmitted disease or human immunodeficiency virus took place between the
3 defendant or alleged juvenile offender and the alleged victim. If the court determines probable
4 cause exists, the court shall order the defendant or alleged juvenile offender to submit to testing
5 and that a copy of the test results be released to the defendant's or alleged juvenile offender's
6 physician and each requesting victim's physician. The physicians for the defendant or alleged
7 juvenile offender and requesting victim must be specifically named in the court order, and the
8 court order must be served on the physicians before any test.

9 **SECTION 3. REPEAL.** Section 12.1-20-10 of the North Dakota Century Code is
10 repealed.