

HOUSE BILL NO. 1441

Introduced by

Representatives Wieland, Boehning, Grande

1 A BILL for an Act to amend and reenact subsections 2 and 3 of section 12.1-32-15 of the North
2 Dakota Century Code, relating to the registration requirements of certain offenders

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

4 **SECTION 1. AMENDMENT.** Subsections 2 and 3 of section 12.1-32-15 of the North
5 Dakota Century Code are amended and reenacted as follows:

6 2. The court shall impose, in addition to any penalty provided by law, a requirement
7 that the individual register, within ten days of ~~coming into a county in which the~~
8 ~~individual resides or is temporarily domiciled~~ being informed by the court or law
9 enforcement of the duty to register. The court shall require the individual to read
10 and sign a form developed by the attorney general which states that the duty of the
11 individual to register under this section has been explained to that individual. The
12 individual must register with the chief of police of the city or the sheriff of the county
13 if the individual resides, attends school, or is employed in an area other than a city.
14 The court shall require an individual to register by stating this requirement on the
15 court records, if that individual:

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

20 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual
21 offender for, a misdemeanor or attempted misdemeanor. The court may
22 deviate from requiring an individual to register if the court first finds the
23 individual is no more than three years older than the victim if the victim is a
24 minor, the individual has not previously been convicted as a sexual offender

- 1 or of a crime against a child, and the individual did not exhibit mental
2 abnormality or predatory conduct in the commission of the offense.
- 3 c. Is a juvenile found delinquent under subdivision d of subsection 1 of section
4 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a
5 sexual offender for a misdemeanor. The court may deviate from requiring the
6 juvenile to register if the court first finds the juvenile has not previously been
7 convicted as a sexual offender or for a crime against a child, and the juvenile
8 did not exhibit mental abnormality or predatory conduct in the commission of
9 the offense.
- 10 d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against
11 a child or an attempted crime against a child, including juvenile delinquent
12 adjudications of equivalent offenses. Except if the offense is described in
13 section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not
14 the parent of the victim, the court may deviate from requiring an individual to
15 register if the court first finds the individual has not previously been convicted
16 as a sexual offender or for a crime against a child, and the individual did not
17 exhibit mental abnormality or predatory conduct in the commission of the
18 offense.
- 19 e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated
20 delinquent of any crime against another individual which is not otherwise
21 specified in this section if the court finds the individual demonstrated mental
22 abnormality or sexual predatory conduct in the commission of the offense and
23 therefore orders registration for the individual. If the court orders an individual
24 to register as an offender under this section, the individual shall comply with
25 all of the registration requirements in this chapter.
- 26 3. a. If a court has not ordered an individual to register in this state, an individual
27 who resides or is temporarily domiciled in this state shall register if the
28 individual:
- 29 a. (1) Is incarcerated or is on probation or parole after July 31, 1995, for a
30 crime against a child described in section 12.1-29-02, or section

- 1 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the
2 victim, or as a sexual offender;
- 3 ~~b.~~ (2) Has pled guilty or nolo contendere to, or been found guilty of, an
4 offense in a court of this state for which registration is mandatory under
5 this section or another state or the federal government equivalent to
6 those offenses set forth in this section; or
- 7 e. (3) Has pled guilty or nolo contendere to, or has been found guilty of, a
8 crime against a child or as a sexual offender for which registration is
9 mandatory under this section if the conviction occurred after July 31,
10 1985.
- 11 b. If a court has not ordered an individual to register in this stae, an individual
12 who resides or is temporarily domiciled in this state must be informed by the
13 court or law enforcement of the duty to register under this section before the
14 individual may be charged with failure to register. The court or law
15 enforcement shall require the individual to read and sign a form developed
16 buy the attorney general which states that the duty of the individual to register
17 under this subsection has been explained to that individual. The court or law
18 enforcement shall obtain the address where the individual expects to reside,
19 attend school, or work and shall report the address to the attorney general.
20 The court or law enforcement shall forward one copy of the completed form to
21 the individual and two copies of the completed form to the attorney general.
22 The attorney general shall forward one copy to the appropriate law
23 enforcement agency having jurisdiction where the individual expects to reside,
24 attend school, or work. If the individual is being monitored by an out-of-state
25 jurisdiction and is in compliance with registration requirements of that state,
26 the court may waive the requirement to register in this state.