

HOUSE BILL NO. 1472

Introduced by

Representatives Clark, Berg, Dietrich, Thoreson

Senators Flakoll, Nelson

1 A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota
2 Century Code, relating to the presence near schools of certain sexual offenders; and to provide
3 a penalty.

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

5 **SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Sexual offender presence near schools prohibited.**

- 8 1. A sexual offender, as defined in section 12.1-32-15, who has pled guilty or been
9 found guilty of a class A misdemeanor or felony sex offense against a minor may
10 not loiter near or enter upon the real property comprising a public or private
11 elementary or high school.
- 12 2. An individual who violates this section is guilty of a class A misdemeanor. This
13 section does not apply if the school board of a public school or the governing entity
14 of a private school adopts a policy allowing a sexual offender on school property
15 under the following circumstances:
- 16 a. The offender is a parent or guardian of a student attending the school and the
17 offender is attending a conference at the school with school personnel to
18 discuss the progress of the student academically or socially, participating in
19 child review conferences in which evaluations and placement decisions may
20 be made regarding special education services, or attending conferences to
21 discuss other student issues, including retention and promotion.
- 22 b. The offender is a parent, guardian, or relative of a student attending or
23 participating in a function at the school and the offender has filed with the

- 1 school written permission from a probation officer allowing the offender's
2 presence at school functions where other adults are present with the students.
- 3 c. The offender is a parent, guardian, or relative of a student attending or
4 participating in a function at the school and the offender is not on supervised
5 probation and has requested advance permission from the superintendent or
6 school board allowing the offender's presence at school functions.
- 7 d. The offender is present for the purpose of voting in a school building that is
8 used as a public polling place.