

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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, a new subsection to  
2 section 12.1-20-05, and a new subsection to section 12.1-20-12.1 of the North Dakota Century  
3 Code, relating to the presence near schools of certain sexual offenders; to amend and reenact  
4 subsection 14 of section 12.1-32-15 of the North Dakota Century Code, relating to liability of  
5 school officials; and to provide a penalty.

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

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

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

- 10 1. A sexual offender, as defined in section 12.1-32-15, who has pled guilty or been  
11 found guilty of or has been adjudicated delinquent of a class A misdemeanor or  
12 felony sexual offense against a minor or is required to register under section  
13 12.1-32-15 or equivalent law of another state may not knowingly enter upon the  
14 real property comprising a public or private elementary or high school except as  
15 provided in this section.
- 16 2. An individual who violates this section is guilty of a class A misdemeanor. This  
17 section does not apply under the following circumstances:
- 18 a. The offender is a parent or guardian of a student attending the school and the  
19 offender is attending a conference at the school with school personnel to  
20 discuss the progress of the student academically or socially, participating in  
21 child review conferences in which evaluations and placement decisions may  
22 be made regarding special education services, or attending conferences to  
23 discuss other student issues, including retention and promotion.



- 1           14.   A state officer, law enforcement agency, or school district or any appointee, officer,  
2                    or employee of those entities is not subject to civil or criminal liability for making  
3                    risk determinations, allowing a sexual offender to attend a school function under  
4                    section 1 of this Act, or for disclosing or for failing to disclose information as  
5                    permitted by this section.