

**FIRST ENGROSSMENT
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2248

Introduced by

Senators Hacker, Nelson, Stenehjem

Representatives Dahl, Delmore, L. Meier

1 A BILL for an Act to amend and reenact sections 12.1-20-05.1, 29-03-01.1, and 29-03-09 of the
2 North Dakota Century Code, relating to the luring of a minor by electronic means, persons
3 liable for prosecution in this state, and the venue of certain offenses; to provide a penalty; and
4 to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-20-05.1 of the North Dakota Century Code
7 is amended and reenacted as follows:

8 **12.1-20-05.1. Luring minors by computer or other electronic means.**

9 1. An adult is guilty of luring minors by computer or other electronic means when:

10 ~~1.~~ a. The adult knows the character and content of a communication that, in whole
11 or in part, implicitly or explicitly discusses or depicts actual or simulated
12 nudity, sexual acts, sexual contact, sadomasochistic abuse, or other sexual
13 performances and uses any computer communication system or other
14 electronic means that allows the input, output, examination, or transfer of
15 ~~computer~~ data or ~~computer~~ programs from one computer or electronic device
16 to another to initiate or engage in such communication with a person the adult
17 believes to be a minor; and

18 ~~2.~~ b. By means of that communication the adult importunes, invites, or induces a
19 person the adult believes to be a minor to engage in sexual acts or to have
20 sexual contact with the adult, or to engage in a sexual performance, obscene
21 sexual performance, or sexual conduct for the adult's benefit, satisfaction,
22 lust, passions, or sexual desires.

23 2. A violation of this section is a class A misdemeanor, ~~but~~ if the adult is less than
24 twenty-two years of age and reasonably believes the minor is age fifteen to

1 seventeen. If the adult is less than twenty-two years of age and reasonably
2 believes the minor is under age fifteen, or the adult is twenty-two years of age or
3 older ~~or~~ and the adult reasonably believes the minor is ~~under the age of fifteen to~~
4 seventeen, violation of this section is a class C felony. If the adult is twenty-two
5 years of age or older and the adult reasonably believes the minor is under the age
6 of fifteen, violation of this section is a class B felony. The court shall sentence an
7 adult convicted of a class B or class C felony under this section to serve a term of
8 imprisonment of at least one year, except the court may sentence an individual to
9 less than one year if the individual did not take a substantial step toward meeting
10 with the minor.

11 3. The attorney general may issue an administrative subpoena compelling an internet
12 service provider or cellular phone company to provide subscriber information to a
13 law enforcement agency investigating a possible violation of this section.

14 **SECTION 2. AMENDMENT.** Section 29-03-01.1 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **29-03-01.1. When persons liable to prosecution in this state.** Any person who
17 commits one or more of the following acts ~~and is thereafter found in this state~~ is liable to
18 prosecution under the laws of this state:

- 19 1. Commission of a robbery or theft outside this state and bringing the stolen property
20 into this state.
- 21 2. Soliciting, while outside this state, criminal action within this state.
- 22 3. Soliciting, while outside this state, sexual contact with a person believed to be a
23 minor who at the time of the solicitation is located in this state.
- 24 4. Commission of kidnapping or felonious restraint when the victim is brought into this
25 state.

26 **SECTION 3. AMENDMENT.** Section 29-03-09 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **29-03-09. Venue of kidnapping, forcible restraint, unlawful imprisonment,**
29 **electronic luring, or prostitution cases.** The venue of a criminal action for any of the
30 following offenses is in any county in which the offense is committed, or into or out of which the
31 individual upon whom the offense was committed may have been brought, in the course of the

- 1 commission of the offense, or in which an act was done by the accused in instigating,
2 procuring, promoting, soliciting, or facilitating the commission of the offense:
- 3 1. ~~For kidnapping~~ Kidnapping, forcible restraint, or unlawful imprisonment, in violation
4 of chapter 12.1-18; ~~or~~
- 5 2. ~~For A~~ violation of section 12.1-29-01, 12.1-29-02, or 12.1-29-03 relating to
6 prostitution;
7 ~~is in any county in which the offense is committed, or into or out of which the person upon~~
8 ~~whom the offense was committed may have been brought, in the course of the commission of~~
9 ~~the offense, or in which an act was done by the accused in instigating, procuring, promoting,~~
10 ~~soliciting, or facilitating the commission of the offense; or~~
- 11 3. Luring a minor by computer or other electronic means in violation of section
12 12.1-20-05.1.

13 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.