

**SENATE BILL NO. 2231
with House Amendments
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Sixty-second
Legislative Assembly
of North Dakota

Introduced by

Senators Dever, Heckaman, Uglen

Representatives Delmore, Devlin, L. Meier

1 A BILL for an Act to amend and reenact subsections 1 and 7 of section 12.1-32-15 of the North
2 Dakota Century Code, relating to the registration of sexual offenders.

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

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

6 1. As used in this section:

7 a. "A crime against a child" means a violation of chapter 12.1-16, section
8 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04,
9 subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01,
10 12.1-18-02, 12.1-18-05, chapter 12.1-29, or subdivision a of subsection 1 or
11 subsection 2 of section 14-09-22, labor trafficking in violation of chapter 12.1-40,
12 or an equivalent offense from another court in the United States, a tribal court, or
13 court of another country, in which the victim is a minor or is otherwise of the age
14 required for the act to be a crime or an attempt or conspiracy to commit these
15 offenses.

16 b. "Department" means the department of corrections and rehabilitation.

17 c. "Mental abnormality" means a congenital or acquired condition of an individual
18 that affects the emotional or volitional capacity of the individual in a manner that
19 predisposes that individual to the commission of criminal sexual acts to a degree
20 that makes the individual a menace to the health and safety of other individuals.

21 d. "Predatory" means an act directed at a stranger or at an individual with whom a
22 relationship has been established or promoted for the primary purpose of
23 victimization.

- 1 e. "Sexual offender" means a person who has pled guilty to or been found guilty,
2 including juvenile delinquent adjudications, of a violation of section 12.1-20-03,
3 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1,
4 12.1-20-07 except for subdivision a, 12.1-20-11, 12.1-20-12.1, or 12.1-20-12.2,
5 chapter 12.1-27.2, or subsection 2 of section 12.1-22-03.1, sex trafficking in
6 violation of chapter 12.1-40, or an equivalent offense from another court in the
7 United States, a tribal court, or court of another country, or an attempt or
8 conspiracy to commit these offenses.
- 9 f. "Sexually dangerous individual" means an individual who meets the definition
10 specified in section 25-03.3-01.
- 11 g. "Temporarily domiciled" means staying or being physically present in this state for
12 more than thirty days in a calendar year or at a location for longer than ten
13 consecutive days, attending school for longer than ten days, or maintaining
14 employment in the jurisdiction for longer than ten days, regardless of the state of
15 the residence.

16 **SECTION 2. AMENDMENT.** Subsection 7 of section 12.1-32-15 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 7. Registration consists of a written statement signed by the individual, giving the
19 information required by the attorney general, and the fingerprints and photograph of
20 the individual. An individual who is not required to provide a sample of blood and other
21 body fluids under section 31-13-03 or by the individual's state or court of conviction or
22 adjudication shall submit a sample of blood and other body fluids for inclusion in a
23 centralized data base of DNA identification records under section 31-13-05. The
24 collection, submission, testing and analysis of, and records produced from, samples of
25 blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile
26 comparison is admissible in accordance with section 31-13-02. A report of the DNA
27 analysis certified by the state crime laboratory is admissible in accordance with section
28 31-13-05. A district court shall order an individual who refuses to submit a sample of
29 blood or other body fluids for registration purposes to show cause at a specified time
30 and place why the individual should not be required to submit the sample required
31 under this subsection. Within three days after registration, the registering law

1 enforcement agency shall forward the statement, fingerprints, and photograph to the
2 attorney general and shall submit the sample of the individual's blood and body fluids
3 to the state crime laboratory. If an individual required to register under this section has
4 a change in vehicle or computer online identity, the individual shall inform in writing,
5 within three days after the change, the law enforcement agency with which that
6 individual last registered of the individual's new vehicle or computer online identity. If
7 an individual required to register pursuant to this section has a change in name,
8 school, or residence or employment address, that individual shall inform in writing, at
9 least ten days before the change, the law enforcement agency with whom that
10 individual last registered of the individual's new name, school, residence address, or
11 employment address. A change in school or employment address includes the
12 termination of school or employment for which an individual required to register under
13 this section shall inform in writing within five days of the termination the law
14 enforcement agency with whom the individual last registered. The law enforcement
15 agency, within three days after receipt of the information, shall forward it to the
16 attorney general. The attorney general shall forward the appropriate registration data
17 to the law enforcement agency having local jurisdiction of the new place of residence,
18 school, or employment. Upon a change of address, the individual required to register
19 shall also register within three days at the law enforcement agency having local
20 jurisdiction of the new place of residence, school, or employment. The individual
21 registering under this section shall periodically confirm the information required under
22 this subsection in a manner and at an interval determined by the attorney general. A
23 law enforcement agency that has previously registered an offender may omit the
24 fingerprint portion of the registration if that agency has a set of fingerprints on file for
25 that individual and is personally familiar with and can visually identify the offender.
26 These provisions also apply in any other state that requires registration.