

Introduced by

Senators D. Larson, Luick, Schaible

Representatives Karls, Keiser

1 A BILL for an Act to amend and reenact subsections 2 and 7 of section 12.1-32-15 of the North  
2 Dakota Century Code, relating to registration requirements for sexual offenders; and to provide  
3 a contingent effective date.

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

5 **SECTION 1. AMENDMENT.** Subsections 2 and 7 of section 12.1-32-15 of the North Dakota  
6 Century Code are amended and reenacted as follows:

7 2. The court shall impose, in addition to any penalty provided by law, a requirement that  
8 the individual register, within three days of coming into a county in which the individual  
9 resides, is homeless, or within the period identified in this section that the individual  
10 becomes temporarily domiciled. The individual must register with the chief of police of  
11 the city of the individual's place of residence, or the sheriff of the county if the  
12 individual resides, ~~attends school, or is employed~~ in an area other than a city. A  
13 homeless individual shall register every three days with the sheriff or chief of police of  
14 the jurisdiction in which the individual is physically present. The court shall require an  
15 individual to register by stating this requirement on the court records, if that individual:  
16 a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual  
17 offender or an attempted felonious sexual offender, including juvenile delinquent  
18 adjudications of equivalent offenses unless the offense is listed in subdivision c.  
19 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender  
20 for, a misdemeanor or attempted misdemeanor. The court may deviate from  
21 requiring an individual to register if the court first finds the individual is no more  
22 than three years older than the victim if the victim is a minor, the individual has  
23 not previously been convicted as a sexual offender or of a crime against a child,

- 1                   and the individual did not exhibit mental abnormality or predatory conduct in the  
2                   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 sexual  
5                   offender for a misdemeanor. The court may deviate from requiring the juvenile to  
6                   register if the court first finds the juvenile has not previously been convicted as a  
7                   sexual offender or for a crime against a child, and the juvenile did not exhibit  
8                   mental abnormality or predatory conduct in the commission of the offense.
- 9                   d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a  
10                  child or an attempted crime against a child, including juvenile delinquent  
11                  adjudications of equivalent offenses. Except if the offense is described in section  
12                  12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent  
13                  of the victim, the court may deviate from requiring an individual to register if the  
14                  court first finds the individual has not previously been convicted as a sexual  
15                  offender or for a crime against a child, and the individual did not exhibit mental  
16                  abnormality or predatory conduct in the commission of the offense.
- 17                  e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated  
18                  delinquent of any crime against another individual which is not otherwise  
19                  specified in this section if the court determines that registration is warranted by  
20                  the nature of the crime and therefore orders registration for the individual. If the  
21                  court orders an individual to register as an offender under this section, the  
22                  individual shall comply with all of the registration requirements in this chapter.
- 23                  7. Registration consists of a written statement signed by the individual, giving the  
24                  information required by the attorney general, and the biometric data and photograph of  
25                  the individual. An individual who is not required to provide a sample of blood and other  
26                  body fluids under section 31-13-03 or by the individual's state or court of conviction or  
27                  adjudication shall submit a sample of blood and other body fluids for inclusion in a  
28                  centralized database of DNA identification records under section 31-13-05. The  
29                  collection, submission, testing and analysis of, and records produced from, samples of  
30                  blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile  
31                  comparison is admissible in accordance with section 31-13-02. A report of the DNA

1 analysis certified by the state crime laboratory is admissible in accordance with section  
2 31-13-05. A district court shall order an individual who refuses to submit a sample of  
3 blood or other body fluids for registration purposes to show cause at a specified time  
4 and place why the individual should not be required to submit the sample required  
5 under this subsection. Within three days after registration, the registering law  
6 enforcement agency shall forward the statement, biometric data, and photograph to  
7 the attorney general and shall submit the sample of the individual's blood and body  
8 fluids to the state crime laboratory. If an individual required to register under this  
9 section has a change in vehicle or computer online identity, the individual shall inform  
10 in writing, within three days after the change, the law enforcement agency ~~with which~~  
11 ~~that individual last registered~~having local jurisdiction of the individual's place of  
12 residence of the individual's new vehicle or computer online identity. If an individual  
13 required to register pursuant to this section has a change in name, school, or  
14 residence or employment address, that individual shall inform in writing, at least ten  
15 days before the change, the law enforcement agency ~~with which that individual last~~  
16 ~~registered~~having local jurisdiction of the individual's place of residence of the  
17 individual's new name, school, residence address, or employment address. A change  
18 in school or employment address includes the termination of school or employment for  
19 which an individual required to register under this section shall inform in writing within  
20 five days of the termination the law enforcement agency ~~with which the individual last~~  
21 ~~registered~~having local jurisdiction of the individual's place of residence. The law  
22 enforcement agency, within three days after receipt of the information, shall forward it  
23 to the attorney general. The attorney general shall forward the appropriate registration  
24 data to the law enforcement agency having local jurisdiction of the new place of  
25 residence, school, or employment. Upon a change of address, the individual required  
26 to register also shall ~~also~~ register within three days at the law enforcement agency  
27 having local jurisdiction of the new place of residence, ~~school, or employment~~. The  
28 individual registering under this section shall periodically confirm the information  
29 required under this subsection in a manner and at an interval determined by the  
30 attorney general. A law enforcement agency that has previously registered an offender  
31 may omit the biometric data portion of the registration if that agency has a set of

1           biometric data on file for that individual and is personally familiar with and can visually  
2           identify the offender. These provisions also apply in any other state that requires  
3           registration.

4           **SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the  
5           attorney general certifies to the legislative council that the registration process provided in  
6           section 1 of this Act is operational.