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Sixty-fifth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2302

Introduced by

Senators D. Larson, Cook, Nelson

Representatives Beadle, Karls, Roers Jones

A BILL for an Act to amend and reenact sections 12-60-05 and 12.1-29-07, subsection 1 of section 29-06-05.2, and sections 54-12-01.1 and 54-12-28 of the North Dakota Century Code, relating to appointment of ad hoc special agents, the offender education program, authority for federal law enforcement officers to make arrests, online publication of eminent domain information, and twenty-four seven program records and statistics; to repeal section 19-03.1-44 of the North Dakota Century Code, relating to a drug use status and trends report; ~~and~~ to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60-05 of the North Dakota Century Code is amended and reenacted as follows:

12-60-05. Attorney general - Duties - Appointment of personnel.

The attorney general shall act as superintendent of the bureau and shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents, and such other employees as the attorney general deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor. The attorney general may appoint ad hoc special agents. Ad hoc special agents are law enforcement officers from other jurisdictions appointed for a specific law enforcement purpose and do not become full-time or part-time employees of the attorney general.

SECTION 2. AMENDMENT. Section 12.1-29-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-29-07. ~~(Effective January 1, 2016 through July 31, 2017)~~ Offender education program.

A sentence for an offense under section 12.1-29-06 or chapter 12.1-41 may include an order for the offender to participate in an offender education program on the negative consequences of the commercial sex industry, including health and legal consequences and the impact on communities, survivors, spouses, and children. The court may order the offender to pay the cost of the offender education program.

SECTION 3. AMENDMENT. Subsection 1 of section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Federal agent" means an employee of the federal bureau of investigation~~,~~; the federal drug enforcement administration~~,~~; the bureau of alcohol, tobacco, firearms and explosives; the homeland security investigations unit of the department of homeland security; or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer.

SECTION 4. AMENDMENT. Section 54-12-01.1 of the North Dakota Century Code is amended and reenacted as follows:

54-12-01.1. Attorney general to ~~prepare~~publish eminent domain ~~pamphlets - Copy to landowner~~information.

The attorney general, with the cooperation of appropriate state agencies, shall ~~prepare pamphlets in readable format~~publish online information describing the eminent domain laws of this state. The ~~pamphlets~~information must include the reasons for condemnation, the procedures followed by condemnors as defined by section 32-15-01, how citizens may influence the condemnation process, and the rights of property owners and citizens affected by condemnation. ~~The attorney general shall make copies of the pamphlets available to all condemnors who must be charged a price for the pamphlets sufficient to recover the costs of production.~~ A condemnor shall ~~present a copy of the pamphlet to~~notify a property owner ~~prior to~~of the available online information before making an offer to purchase and initiating a condemnation action.

SECTION 5. AMENDMENT. Section 54-12-28 of the North Dakota Century Code is amended and reenacted as follows:

54-12-28. Twenty-four seven sobriety program guidelines ~~and~~, program fees, and records.

1. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the traffic safety division of the department of transportation, may develop guidelines, policies, and procedures to administer the twenty-four seven sobriety program and to test offenders to enforce compliance with the sobriety program, including sobriety testing twice per day seven days per week, electronic monitoring, including home surveillance and remote electronic alcohol monitoring, urine testing and drug patch testing, and to establish program fees, all of which are not subject to chapter 28-32.
2. To assist in monitoring the status of the twenty-four seven sobriety program, the attorney general may gather program records and statistics. Agencies or companies participating in the twenty-four seven program shall provide record and statistic information requested by the attorney general within thirty days of the request.

SECTION 6. REPEAL. Section 19-03.1-44 of the North Dakota Century Code is repealed.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure.