

HOUSE BILL NO. 1268

Introduced by

Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider, Vetter

Senators Braunberger, Larson, Lee, Sickler

1 A BILL for an Act to amend and reenact section 14-07.1-01 and subsection 3 of section
2 14-07.1-02 of the North Dakota Century Code, relating to the definition of stalking and domestic
3 violence protection orders; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 14-07.1-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-07.1-01. Definitions.**

- 8 1. "Department" means the department of health and human services.
- 9 2. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity
10 compelled by physical force, assault, or the infliction of fear of imminent physical harm,
11 bodily injury, sexual activity compelled by physical force, or assault, not committed in
12 self-defense, on the complaining family or household members.
- 13 3. "Domestic violence sexual assault organization" means a private, nonprofit
14 organization whose primary purpose is to provide emergency housing,
15 twenty-four-hour crisis lines, advocacy, supportive peer counseling, community
16 education, and referral services for victims of domestic violence and sexual assault.
- 17 4. "Family or household member" means a spouse, family member, former spouse,
18 parent, child, persons related by blood or marriage, persons who are in a dating
19 relationship, persons who are presently residing together or who have resided
20 together in the past, persons who have a child in common regardless of whether they
21 are or have been married or have lived together at any time, and, for the purpose of
22 the issuance of a domestic violence protection order, any other person with a sufficient
23 relationship to the abusing person as determined by the court under section
24 14-07.1-02.

- 1 5. "Law enforcement officer" means a public servant authorized by law or by a
2 government agency to enforce the law and to conduct or engage in investigations of
3 violations of law.
- 4 6. "Predominant aggressor" means an individual who is the most significant, not
5 necessarily the first, aggressor.
- 6 7. "Stalking" has the meaning provided for the term "stalk" in section 12.1-17-07.1.
- 7 8. "Willfully" means willfully as defined in section 12.1-02-02.

8 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-07.1-02 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 3. Service must be made upon the respondent at least five days ~~prior to~~before the
11 hearing. Service of the hearing notice, for a protection order under this section or for
12 an ex parte temporary protection order under section 14-07.1-03, must be attempted
13 by personal service before service by publication under rule 4 of the North Dakota
14 Rules of Civil Procedure may be attempted. If service cannot be made, or if additional
15 time is required to complete service by publication, the court may set a new date. ~~The~~
16 ~~protection order may be served on the respondent by publication as provided in rule 4~~
17 ~~of the North Dakota Rules of Civil Procedure.~~