

**HOUSE BILL NO. 1269**

Introduced by

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

Senators Braunberger, Larson, Lee, Sickler

1 | A BILL for an Act to amend and reenact ~~section~~sections 12.1-17-13 and 14-07.1-01 of the North  
2 | Dakota Century Code, relating to a mandated intervention program for domestic violence  
3 | offenders and domestic violence definitions; and to provide a penalty.

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

5 | **SECTION 1. AMENDMENT.** Section 12.1-17-13 of the North Dakota Century Code is  
6 | amended and reenacted as follows:

7 | **12.1-17-13. Mandated ~~treatment of~~intervention program for domestic violence**  
8 | **offenders.**

9 | The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,  
10 | 12.1-17-02, 12.1-17-03, 12.1-17-04, ~~or~~ 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02,  
11 | 12.1-18-03, 12.1-21-05, 12.1-21-06.1, 12.1-31.2-01, 12.1-31.2-02, or 14-07.1-06 against an  
12 | actor's family or household member, as defined in subsection 4 of section 14-07.1-01, must  
13 | include an order to complete a domestic violence offender ~~evaluation~~assessment and  
14 | ~~treatment~~intervention program as determined by the court. A court may not order the offender to  
15 | attend anger management classes or individual counseling unless a domestic violence offender  
16 | ~~treatment~~intervention program is not reasonably available to the defendant and the court makes  
17 | findings for the record explaining why an order to complete a domestic violence offender  
18 | ~~treatment~~intervention program would be inappropriate.

19 | **SECTION 2. AMENDMENT.** Section 14-07.1-01 of the North Dakota Century Code is  
20 | amended and reenacted as follows:

21 | **14-07.1-01. Definitions.**

- 22 | 1. "Department" means the department of health and human services.  
23 | 2. "Domestic violence" includes physical harm, bodily injury, sexual activity compelled by  
24 | physical force, assault, or the infliction of fear of imminent physical harm, bodily injury,

1 sexual activity compelled by physical force, or assault, not committed in self-defense,  
2 on the complaining family or household members.

3 3. "Domestic violence sexual assault organization" means a private, nonprofit  
4 organization whose primary purpose is to provide emergency housing,  
5 twenty-four-hour crisis lines, advocacy, supportive peer counseling, community  
6 education, and referral services for victims of domestic violence and sexual assault.

7 4. "Family or household member" means a spouse, immediate family member, former  
8 spouse, ~~parent, child, persons related by blood or marriage,~~ persons who are in a  
9 dating relationship or were in a recent dating relationship, ~~persons who are presently~~  
10 ~~residing together or who have resided together in the past,~~ persons who have a child  
11 in common regardless of whether they are or have been married or have lived  
12 together at any time, and, for the purpose of the issuance of a domestic violence  
13 protection order, any other person with a sufficient relationship to the abusing person  
14 as determined by the court under section 14-07.1-02.

15 5. "Immediate family member" means a parent, step-parent, grandparent,  
16 step-grandparent, sibling, step-sibling, child, step-child, grandchild, step-grandchild,  
17 father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
18 uncle, aunt, niece, or nephew.

19 6. "Law enforcement officer" means a public servant authorized by law or by a  
20 government agency to enforce the law and to conduct or engage in investigations of  
21 violations of law.

22 ~~6.7.~~ "Predominant aggressor" means an individual who is the most significant, not  
23 necessarily the first, aggressor.

24 ~~7.8.~~ "Willfully" means willfully as defined in section 12.1-02-02.