

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota
2 Century Code, relating to sexual grooming; to amend and reenact subsection 11 of section
3 12.1-32-02 and subdivision g of subsection 1 of section 12.1-32-15 of the North Dakota Century
4 Code, relating to presentence investigations and sexual offender registration requirements; and
5 to provide a penalty.

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

7 **SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Sexual grooming.**

10 **1. As used in this section:**

- 11 **a. "Communication" means a verbal, nonverbal, written, or visual transmission,**
12 **whether in person or through electronic means.**
- 13 **b. "Course of conduct" means a pattern of conduct consisting of two or more acts**
14 **evidencing a continuity of purpose.**
- 15 **c. "Grooming" means a behavior that seeks to prepare, induce, or persuade a minor**
16 **to engage in a sexual act, sexual conduct, sexually explicit conduct, or simulated**
17 **sexually explicit conduct, including a communication or deliberate act intended to**
18 **establish an emotional connection with a minor through manipulation, trust**
19 **building, or influence.**
- 20 **d. "Position of trust" means a role that grants an individual authority, responsibility,**
21 **or influence over a minor.**
- 22 **e. "Sexual contact" has the meaning provided in section 12.1-20-02.**
- 23 **f. "Sexually explicit conduct" has the meaning provided in section 12.1-17-07.2.**

g. "Simulated sexually explicit conduct" has the meaning provided in section 12.1-17-07.2.

2. An individual who is at least three years older than the minor or while holding a position of trust with the minor, who knowingly engages in a course of conduct of grooming is guilty of a class C felony.

3. A violation of subsection 2 is a class B felony if the minor is under sixteen years of age or if the individual has previously been found guilty of a crime subject to registration under section 12.1-32-15.

SECTION 2. AMENDMENT. Subsection 11 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

11. Before sentencing a defendant on a felony charge under section 12.1-20-03, 12.1-20-03.1, 12.1-20-11, section 1 of this Act, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, or 12.1-27.2-05, a court shall order the department of corrections and rehabilitation to conduct a presentence investigation and to prepare a presentence report. A presentence investigation for a charge under section 12.1-20-03 must include a risk assessment. A court may order the inclusion of a risk assessment in any presentence investigation. In all felony or class A misdemeanor offenses, in which force, as defined in section 12.1-01-04, or threat of force is an element of the offense or in violation of section 12.1-22-02, or an attempt to commit the offenses, a court, unless a presentence investigation has been ordered, must receive a criminal record report before the sentencing of the defendant. Unless otherwise ordered by the court, the criminal record report must be conducted by the department of corrections and rehabilitation after consulting with the prosecuting attorney regarding the defendant's criminal record. The criminal record report must be in writing, filed with the court before sentencing, and made a part of the court's record of the sentencing proceeding.

SECTION 3. AMENDMENT. Subdivision g of subsection 1 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

g. "Sexual offender" means a personan individual who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, section 1 of this Act, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a of

1 subsection 1, 12.1-20-11, 12.1-20-12.1, 12.1-20-12.2, 12.1-20-12.3 except for
2 subdivision a of subsection 1 and subdivision b of subsection 1 if the offense
3 involves only a demand for money, chapter 12.1-27.2, subdivision b of
4 subsection 1 of section 12.1-41-02, section 12.1-41-04, 12.1-41-05, or
5 12.1-41-06, or an equivalent offense from another court in the United States, a
6 tribal court, or court of another country, or an attempt or conspiracy to commit
7 these offenses.