

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1231

Introduced by

Representatives Dockter, O'Brien, M. Ruby, Weisz

1 A BILL ~~for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code,~~
2 ~~relating to a petition for relief from requiring a sexual offender to register; and to provide for~~
3 ~~application.~~ for an Act to provide for a legislative management study relating to early
4 discontinuation of registration for low-risk sex offenders.

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

6 ~~—~~ **SECTION 1.** ~~Section 12.1-32-15.1 of the North Dakota Century Code is created and~~
7 ~~enacted as follows:~~

8 ~~—~~ **12.1-32-15.1. Petition for relief from registration requirement.**

9 ~~—~~ **1.** ~~As used in this section, "sexual offender" has the same meaning provided in section~~
10 ~~12.1-32-15.~~

11 ~~—~~ **2.** ~~After seven years of registration, a sexual offender assigned a low-risk level by the~~
12 ~~attorney general may petition the sentencing court or the district court for the district in~~
13 ~~which the offender resides for an order relieving the offender of the duty to register.~~

14 ~~—~~ **3.** ~~The petition must be served on the state's attorney in the county in which the petition~~
15 ~~is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the~~
16 ~~petition to the victim of the last offense for which the sexual offender was convicted if~~
17 ~~the victim's address is reasonably available. The court shall consider any written or~~
18 ~~oral statements of the victim. The court may grant the petition on finding that:~~

19 ~~—~~ **a.** ~~The sexual offender has maintained a clean record during the offender's period of~~
20 ~~registration; and~~

- 1 ~~b. Continued registration is not necessary for public protection and that relief from~~
2 ~~registration is in the best interests of society.~~
- 3 ~~4. A finding that the sexual offender has maintained a clean record means during the~~
4 ~~period the sexual offender was required to register as a sexual offender, the offender:~~
- 5 ~~a. Was not convicted of a felony offense;~~
6 ~~b. Was not convicted of a sexual offense;~~
7 ~~c. Successfully completed, without revocation, a period of supervised release,~~
8 ~~probation, or parole; and~~
- 9 ~~d. Has successfully completed any court-ordered sexual offender treatment~~
10 ~~program and any other court-ordered treatment program, if any. This subdivision~~
11 ~~applies to any sexual offender treatment program completed regardless of~~
12 ~~whether the program was completed while the sexual offender was incarcerated,~~
13 ~~released, on parole, or on probation.~~

14 ~~**SECTION 2. APPLICATION.** This Act applies to a sexual offender who has complied with~~
15 ~~the registration requirements under section 12.1-32-15 for at least seven years before the~~
16 ~~effective date of this Act or who reaches seven years of compliance after the effective date of~~
17 ~~this Act.~~

18 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EARLY DISCONTINUATION OF**
19 **REGISTRATION FOR LOW-RISK SEX OFFENDERS.**

- 20 1. During the 2025-26 interim, the legislative management shall study the impacts to the
21 public, victims, the sex offender risk assessment committee, law enforcement
22 agencies, sex offenders, and other relevant parties, of allowing some low-risk sex
23 offenders to petition the court for an order for early discontinuation relieving the
24 offender of the duty to register. The study must include a thorough analysis of
25 establishing a framework for submitting and reviewing petitions with the inclusion of a
26 victim advocate if the early discontinuation of registration requirements is
27 recommended by the committee. The study also must include an analysis of:
- 28 a. The effect of early discontinuation of registration on public safety and victim
29 safety.
- 30 b. The length of registration which should be required before a low-risk sex offender
31 would qualify to petition for early discontinuation of registration.

- 1 c. Registrable criminal offenses that should make a low-risk sex offender eligible or
- 2 ineligible to petition for early discontinuation of registration.
- 3 d. How the age of a victim and the age of the victim compared to the offender would
- 4 impact eligibility to petition for early discontinuation of registration.
- 5 e. Whether the offender's need for end-of-life care would impact eligibility to petition
- 6 for early discontinuation of registration.
- 7 f. Any other relevant factors.
- 8 2. The legislative management shall report its findings and recommendations, together
- 9 with any legislation required to implement the recommendations, to the Seventieth
- 10 Legislative Assembly.