

January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of sexual assault.

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

4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual assault - Victim protection.**

7 1. As used in this section:

8 a. "Convicted student" means a student enrolled in a school who is a juvenile
9 adjudicated delinquent or an adult convicted of committing sexual assault upon
10 another student enrolled in the same school.

11 b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for
12 which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an
13 element.

14 2. A convicted student ~~may not attend~~ enrolled in the same school as the victim of sexual
15 assault ~~committed by the convicted students~~ shall adhere to a safety plan developed by
16 the school district providing for:

17 a. No contact with the victim; and

18 b. Proper separation in school buildings and educational activities.

19 3. A school shall ~~ensure a~~ develop a safety plan for a convicted student ~~is not present at~~
20 the school by that includes:

- 1 a. ~~Expelling~~Holding an expulsion hearing for a convicted student that grants
2 procedural due process to the student as provided by law and within the time
3 period prescribed under section 15.1-19-09;
- 4 b. Transferring a convicted student to an alternative education program, which may
5 include virtual education;~~or~~
- 6 c. Transferring a convicted student to another school or building within the school
7 district; or
- 8 d. Separating the convicted student from the victim at all times in school buildings
9 and educational activities when transferring the convicted student is not possible.
- 10 4. Upon adjudication or conviction of a convicted student, ~~a court~~the state's attorney shall
11 provide the school in which the convicted student is enrolled with notice of the court's
12 findings that are relevant under this section.