

**FIRST ENGROSSMENT**

**ENGROSSED 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 enrolled in the same school as the victim of sexual assault shall  
15 adhere to a safety plan developed by the school district providing for:

16 a. No contact with the victim; and

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

18 3. A school shall develop a safety plan for a convicted student that includes:

19 a. Holding an expulsion hearing for a convicted student that grants procedural due  
20 process to the student as provided by law and within the time period prescribed  
21 under section 15.1-19-09;

- 1            b. Transferring a convicted student to an alternative education program, which may  
2            include virtual education;
- 3            c. Transferring a convicted student to another school or building within the school  
4            district; or
- 5            d. Separating the convicted student from the victim at all times in school buildings  
6            and educational activities when transferring the convicted student is not possible.
- 7            4. Upon adjudication or conviction of a convicted student, the state's attorney shall  
8            provide the school in which the convicted student is enrolled with notice of the court's  
9            findings that are relevant under this section.