

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO 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 a sexual ~~assault~~offense.

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~~offense - Victim protection.**

7 1. As used in this section:

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

11 b. "Sexual ~~assault~~offense" means a ~~nonconsensual~~an offense under chapter
12 12.1-20 for which "sexual act" or "sexual contact", as defined in section
13 12.1-20-02, is an element ~~and the offenses under sections 12.1-20-05,~~
14 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

15 2. A ~~convicted~~responsible student enrolled in the same school as the victim ~~of sexual-~~
16 assault shall adhere to a safety plan developed by the school ~~district providing-~~
17 for which may include:

18 a. Consideration of the victim's input.

19 b. No contact ~~with~~between the responsible student and the victim; ~~and~~

20 ~~b. Proper separation in school buildings and educational activities.~~

- 1 ~~3.~~ A school shall develop a safety plan for a convicted student that includes:
- 2 a.c. Holding an expulsion hearing for a ~~convicted~~the responsible student ~~that~~which
- 3 grants procedural due process to the responsible student as provided by law and
- 4 within the time period prescribed under section 15.1-19-09;. For a misdemeanor
- 5 offense, before holding an expulsion hearing, school administration shall review
- 6 the offense to determine whether an expulsion hearing is warranted.
- 7 b.d. Transferring a ~~convicted~~responsible student to an alternative education program,
- 8 which may include virtual education; if the responsible student is properly
- 9 supervised.
- 10 e.e. Transferring a ~~convicted~~responsible student to another school or building within
- 11 the school district;~~or.~~
- 12 d.f. Separating the ~~convicted~~responsible student from the victim at all times in school
- 13 buildings and educational activities~~when, if transferring the ~~convicted~~responsible~~
- 14 student is not possible;.
- 15 g. Scheduled reviews of the safety plan to assess necessary adjustments and
- 16 ensure continued safety of the victim.
- 17 h. Other measures school administration deems appropriate to ensure the safety of
- 18 the victim.
- 19 4.3. The school shall determine the duration of a separation resulting from the safety plan
- 20 based on:
- 21 a. The victim's input and well-being;
- 22 b. The responsible student's age at the time of adjudication or conviction;
- 23 c. The nature and severity of the offense;
- 24 d. The responsible student's compliance with recommended intervention programs;
- 25 e. The input of the victim or responsible student's legal guardian or custodian, child
- 26 welfare and mental health professionals, and legal representatives; and
- 27 f. Other factors school administration deems appropriate.
- 28 4. A victim or the victim's legal guardian or custodian may request a review of the safety
- 29 plan, including modification or removal of restrictions.
- 30 5. Upon adjudication or conviction of a ~~convicted~~responsible student, the juvenile court in
- 31 a juvenile case or the state's attorney in an adult case shall provide the superintendent

1 or designee of the school district in which the ~~convicted~~responsible student is enrolled
2 with ~~notice of the court's findings that are relevant~~a copy of the order of disposition or
3 judgment and, upon consent of the victim, the victim's name. A record provided under
4 this section is confidential under section 27-20.2-21.