

**FIRST ENGROSSMENT
with Senate Amendments**

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 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 offense - Victim protection.**

7 1. As used in this section:

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

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

15 2. A responsible student enrolled in the same school as the victim shall adhere to a
16 safety plan developed by the school which may include:

17 a. Consideration of the victim's input.

18 b. No contact between the responsible student and the victim.

19 c. Holding an expulsion hearing for the responsible student which grants procedural
20 due process to the responsible student as provided by law and within the time
21 period prescribed under section 15.1-19-09. For a misdemeanor offense, before

- 1 holding an expulsion hearing, school administration shall review the offense to
2 determine whether an expulsion hearing is warranted.
- 3 d. Transferring a responsible student to an alternative education program, which
4 may include virtual education if the responsible student is properly supervised.
- 5 e. Transferring a responsible student to another school or building within the school
6 district.
- 7 f. Separating the responsible student from the victim at all times in school buildings
8 and educational activities, if transferring the responsible student is not possible.
- 9 g. Scheduled reviews of the safety plan to assess necessary adjustments and
10 ensure continued safety of the victim.
- 11 h. Other measures school administration deems appropriate to ensure the safety of
12 the victim.
- 13 3. The school shall determine the duration of a separation resulting from the safety plan
14 based on:
- 15 a. The victim's input and well-being;
16 b. The responsible student's age at the time of adjudication or conviction;
17 c. The nature and severity of the offense;
18 d. The responsible student's compliance with recommended intervention programs;
19 e. The input of the victim or responsible student's legal guardian or custodian, child
20 welfare and mental health professionals, and legal representatives; and
21 f. Other factors school administration deems appropriate.
- 22 4. A victim or the victim's legal guardian or custodian may request a review of the safety
23 plan, including modification or removal of restrictions.
- 24 5. Upon adjudication or conviction of a responsible student, the juvenile court in a
25 juvenile case or the state's attorney in an adult case shall provide the superintendent
26 or designee of the school district in which the responsible student is enrolled with a
27 copy of the order of disposition or judgment and, upon consent of the victim, the
28 victim's name. A record provided under this section is confidential under section
29 27-20.2-21.