

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1489**

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

1 A BILL for an Act to create and enact chapter 14-07.7 of the North Dakota Century Code,  
2 relating to civil protection orders; to amend and reenact sections 11-15-32 and 12-60-23,  
3 subsection 2 of section 12.1-17-13, section 14-05-23, subsection 4 of section 14-07.1-01,  
4 sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of section 14-07.1-14, section 14-07.1-19,  
5 subdivision a of subsection 1 of section 14-07.6-01, subdivision b of subsection 1 of section  
6 15.1-09-33.4, sections 16.1-02-07 and 29-01-15, subdivision g of subsection 1 of section  
7 29-06-15, and subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century  
8 Code, relating to restraining orders and protection orders; to repeal sections 12.1-31-01.2,  
9 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1,  
10 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North Dakota Century Code, relating to sexual  
11 assault restraining orders and domestic violence protection orders; to provide a penalty; and to  
12 provide an effective date.

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

14 **SECTION 1. AMENDMENT.** Section 11-15-32 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **11-15-32. Issuance of civil protection and restraining orders - Duty of sheriff.**

17 The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~  
18 ~~restraining~~civil protection order issued against an individual in the sheriff's county pursuant to  
19 ~~section 12.1-31.2-01~~under chapter 14-07.7 within twenty-four hours of issuance. The notice  
20 must include any information required by the bureau of criminal investigation. The law  
21 enforcement agency shall enter the order into any information system available in the state that

1 is used to list outstanding warrants for a ~~period of~~ one year or until the date of expiration or  
2 termination as specified in the order. The order is enforceable in any jurisdiction in this state.

3 **SECTION 2. AMENDMENT.** Section 12-60-23 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**  
6 **and restraining orders.**

7 The bureau shall maintain a registry of all orders of which it receives notice under sections  
8 11-15-32; and 12.1-31.2-02; ~~44-07.1-02~~; and ~~44-07.1-03~~chapter 14-07.7.

9 **SECTION 3. AMENDMENT.** Subsection 2 of section 12.1-17-13 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,  
12 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02,  
13 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01~~, 12.1-31.2-02, or  
14 ~~44-07.1-06~~14-07.7-07 against an intimate partner, must include an order to complete a  
15 domestic violence offender assessment and intervention program as determined by  
16 the court. A court may not order the offender to attend anger management classes or  
17 individual counseling unless a domestic violence offender intervention program is not  
18 reasonably available to the defendant and the court makes findings for the record  
19 explaining why an order to complete a domestic violence offender intervention  
20 program would be inappropriate.

21 **SECTION 4. AMENDMENT.** Section 14-05-23 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **14-05-23. Temporary support, attorney's fees, and parental rights and**  
24 **responsibilities.**

25 During any time in which an action for separation or divorce is pending, the court, upon  
26 application of a party, may issue an order requiring a party to pay such support as may be  
27 necessary for the support of a party and minor children of the parties and for the payment of  
28 attorney's fees. The court in the order may make an order concerning parental rights and  
29 responsibilities concerning the children of the parties. The order may be issued and served in  
30 accordance with the North Dakota Rules of Court. The court may include in the order a  
31 provision for domestic violence protection provided the party has submitted a verified

1 application ~~petition~~ for the order which is sufficient to meet the criteria defined in subsection 2 of  
2 section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties  
3 established in section ~~14-07.1-06~~ 14-07.7-17 and the arrest procedures authorized in section  
4 ~~14-07.1-11~~ 14-07.7-18.

5 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 4. "Family or household member" means a spouse, family member, former spouse,  
8 parent, child, ~~persons~~ individuals related by blood or marriage, ~~persons~~ individuals who  
9 are in a dating relationship, ~~persons~~ individuals who are presently residing together or  
10 who have resided together in the past, ~~persons~~ and individuals who have a child in  
11 common regardless of whether they are or have been married or have lived together  
12 at any time, ~~and, for the purpose of the issuance of a domestic violence protection~~  
13 ~~order, any other person with a sufficient relationship to the abusing person as~~  
14 ~~determined by the court under section 14-07.1-02.~~

15 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **14-07.1-02.1. Allegation of domestic violence - Effect.**

18 If the court finds that a party's allegation of domestic violence in a ~~domestic violence~~ civil  
19 protection order proceeding, divorce proceeding, ~~child custody~~ parenting responsibility  
20 proceeding, ~~child visitation~~ parenting time proceeding, separation proceeding, or termination of  
21 parental rights proceeding is false and not made in good faith, the court shall order the party  
22 making the false allegation to pay court costs and reasonable attorney's fees incurred by the  
23 other party in responding to the allegation.

24 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **14-07.1-11. Arrest without warrant.**

- 27 1. ~~A law enforcement officer shall arrest a person without a warrant if the person has~~  
28 ~~committed the offense of violating a protection order under section 14-07.1-06,~~  
29 ~~whether or not the violation was committed in the presence of the officer.~~
- 30 2. A law enforcement officer may arrest a ~~person~~ an individual without a warrant if the  
31 arrest is made within twelve hours from the time the officer determines there is

1           probable cause to arrest for an assault of a family or household member as defined in  
2           section 14-07.1-01, whether or not the assault took place in the presence of the officer.  
3           After twelve hours has elapsed, the officer ~~must~~shall secure an arrest warrant before  
4           making an arrest. A law enforcement officer may not arrest a ~~person~~an individual  
5           pursuant to this subsection without first observing that there has been recent physical  
6           injury to, or impairment of physical condition of, the alleged victim. This subsection  
7           does not apply to an arrest made by a law enforcement officer in accordance with  
8           section 14-07.7-18.

9       ~~3-2.~~ A law enforcement officer may not be held criminally or civilly liable for making an  
10          arrest ~~pursuant to~~under this section if the officer acts in good faith on probable cause  
11          and without malice.

12       **SECTION 8. AMENDMENT.** Subsection 1 of section 14-07.1-14 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14       1. Every law enforcement agency shall develop and implement, with assistance from the  
15       criminal justice training and statistics division, specific operational guidelines for arrest  
16       policies and procedures in crimes involving domestic violence. The guidelines must  
17       include procedures for the conduct of criminal investigations, procedures for arrests  
18       and victim assistance by law enforcement officers, procedures concerning the  
19       provision of services to victims, and any additional procedures as may be necessary to  
20       carry out sections ~~14-07.1-02~~14-07.1-08.1 through 14-07.1-14 and chapter 14-07.7.

21       **SECTION 9. AMENDMENT.** Section 14-07.1-19 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **14-07.1-19. Release conditions.**

24       If an individual charged with or arrested for a crime involving domestic violence, including a  
25       violation of a ~~domestic violence~~civil protection order under section ~~14-07.1-03~~chapter 14-07.7 or  
26       an order prohibiting contact under section ~~14-07.1-13~~12.1-31.2-02, is released from custody, a  
27       district or municipal court may require that electronic home detention or global positioning  
28       system monitoring be used for the individual as a condition of release.

29       **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the  
30 North Dakota Century Code is amended and reenacted as follows:

- 1           a. The parties have or had an intimate partner relationship or any other  
2            ~~person~~individual with a sufficient relationship to the abusing ~~person~~individual as  
3            determined by the court under section ~~14-07.1-02~~14-07.7-07;

4           **SECTION 11.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted  
5 as follows:

6           **14-07.7-01. Definitions.**

7           For purposes of this chapter:

- 8           1. a. "Civil protection order" means a protection order that prohibits the restrained  
9            individual from:  
10           (1) Contacting, harassing, injuring, intimidating, molesting, threatening,  
11            touching, stalking, sexually assaulting, or abusing any protected individual;  
12           (2) Entering or remaining on premises;  
13           (3) Coming within a specified distance of the protected individual or premises;  
14            or  
15           (4) Any other action necessary to protect the protected individual from imminent  
16            danger to life or health.  
17           b. A civil protection order may be a:  
18            (1) Disorderly conduct restraining order;  
19            (2) Domestic violence protection order; or  
20            (3) Sexual assault restraining order.  
21           2. "Contact" means any interaction or communication with another individual, directly or  
22            indirectly, including electronic, digital, and social media communication.  
23           3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to  
24            adversely affect the safety, security, or privacy of another individual. Disorderly  
25            conduct includes human trafficking and attempted human trafficking as defined in  
26            title 12.1. Disorderly conduct does not include constitutionally protected activity.  
27           4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity  
28            compelled by physical force, assault, or the infliction of fear of imminent physical harm,  
29            bodily injury, sexual activity compelled by physical force, or assault, not committed in  
30            self-defense, on the complaining family or household member.

- 1       5. "Family or household member" means a spouse, family member, former spouse,  
2       parent, child, individual related by blood or marriage, individuals in a dating  
3       relationship, individuals residing together or who have resided together in the past,  
4       individuals with a child in common regardless of relationship status and, for the  
5       purpose of the issuance of a civil protection order, any other individual with a sufficient  
6       relationship to the abusing individual as determined by the court under section  
7       14-07.7-07.
- 8       6. "Protected individual" means the individual identified in a civil protection order issued  
9       under this chapter as the individual for whose benefit the civil protection order was  
10       issued.
- 11       7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which  
12       sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
- 13       8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and  
14       disorderly conduct include stalking.

15       **14-07.7-02. Petition for civil protection order.**

- 16       1. An individual who is or has been a victim of disorderly conduct, domestic violence, or  
17       sexual assault may file a petition for a civil protection order against:
- 18       a. A family or household member who commits an act of domestic violence; or  
19       b. An individual who has committed disorderly conduct or sexual assault.
- 20       2. The petition must identify which type of civil protection order is sought.
- 21       3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian  
22       ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney  
23       guardian ad litem of the minor is the petitioner and the minor is the protected  
24       individual. A minor of sufficient and competent age may petition for a civil protection  
25       order on their own behalf.
- 26       4. If the respondent is a minor, the parent or guardian must be notified of the petition and  
27       any subsequent order.
- 28       5. The petition must allege facts sufficient to show:
- 29       a. The name of the alleged victim;  
30       b. The name of the respondent engaging in the alleged conduct; and  
31       c. The respondent engaged in the alleged conduct.

- 1       6. The petition must contain:
- 2           a. A declaration stating the specific facts and circumstances supporting the relief
- 3               sought; and
- 4           b. A statement listing each civil or criminal action involving both parties.
- 5       7. A petition may be against only one respondent. Dual protection orders in a single
- 6               action are prohibited.
- 7       8. A petition may be brought under this chapter without regard to the commencement of
- 8               an action for legal separation, annulment, divorce, or parenting rights and
- 9               responsibilities.
- 10      9. A filing fee may not be charged for a civil protection order petition.

11      **14-07.7-03. Civil protection order - General provisions - Confidentiality.**

- 12      1. A civil protection order must contain a conspicuous notice to the respondent providing:
- 13           a. The specific conduct that constitutes a violation;
- 14           b. The penalties for violation of the order; and
- 15           c. A peace officer may arrest the respondent without a warrant and take the
- 16               respondent into custody if the peace officer has probable cause to believe the
- 17               respondent violated the order.
- 18      2. The court may amend an order following a motion filed by either party.
- 19      3. An order entered under this chapter expires on the expiration date provided in the
- 20               order at eleven fifty-nine p.m. central standard time.
- 21      4. No order under this chapter affects title to real property.
- 22      5. The name of a protected individual is confidential and must be redacted from a record
- 23               accessible to the public.

24      **14-07.7-04. Temporary disorderly conduct restraining order.**

- 25      1. If the petition for relief alleges reasonable grounds that a respondent engaged in
- 26               disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly
- 27               conduct restraining order ordering the respondent to cease the disorderly conduct or
- 28               contact with the protected individual.
- 29      2. A temporary restraining order may be entered:
- 30           a. Against the respondent named in the petition; and
- 31           b. Without notice to the respondent.

1       3. Unless otherwise terminated by the court, the temporary restraining order is in effect  
2             until an order issued under section 14-07.7-05 is served.

3       **14-07.7-05. Disorderly conduct restraining order.**

4       1. The court may grant a disorderly conduct restraining order ordering the respondent to  
5             cease the disorderly conduct or contact with the protected individual if:

6             a. The petitioner files a petition under section 14-07.7-02;

7             b. The sheriff serves the respondent with a copy of the temporary restraining order  
8                 issued under section 14-07.7-04 and with notice of the time and place of the  
9                 hearing;

10            c. The court sets a hearing for no later than fourteen days after issuance of the  
11                 temporary restraining order, or a later date if good cause is shown; and

12            d. After the hearing, the court finds reasonable grounds exist to believe the  
13                 respondent engaged in disorderly conduct.

14       2. If a respondent claims to have engaged in constitutionally protected activity, the court  
15             shall determine the validity of the claim as a matter of law and, if found valid, shall  
16             exclude evidence of the activity.

17       3. Relief granted by the restraining order may not exceed two years.

18       **14-07.7-06. Temporary domestic violence protection order.**

19       1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in  
20             domestic violence, the court, pending a full hearing, may grant a temporary domestic  
21             violence protection order that may include provisions:

22             a. Restraining the respondent from having contact with or committing acts of  
23                 domestic violence on another individual.

24             b. Excluding the respondent from the residence of another individual or from a place  
25                 necessary to ensure the safety of the protected individual.

26             c. Awarding temporary primary residential responsibility or establishing temporary  
27                 parenting time with regard to minor children.

28             d. Requiring the respondent to surrender for safekeeping any firearm or other  
29                 specified dangerous weapon, as defined in section 12.1-01-04, which is in the  
30                 respondent's possession, custody, or control, if the court has probable cause to



- 1 believe the respondent is likely to use, display, or threaten to use the firearm or  
2 other dangerous weapon in further acts of violence.
- 3 2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall  
4 surrender the firearm or dangerous weapon within twenty-four hours of being served  
5 or upon the request of a law enforcement officer, whichever is sooner, to:
- 6 a. The sheriff, or the sheriff's designee, of the county in which the respondent  
7 resides; or
- 8 b. The chief of police, or the chief's designee, of the city in which the respondent  
9 resides.
- 10 3. If the respondent is ordered to surrender a firearm or other dangerous weapon and  
11 fails to do so within twenty-four hours, a law enforcement officer may arrest the  
12 respondent in accordance with section 14-07.7-18 and take possession of the firearm  
13 or dangerous weapon.
- 14 4. A temporary domestic violence protection order may be entered only against the  
15 respondent named in the petition.
- 16 5. The court may issue a temporary domestic violence protection order without giving  
17 notice to the respondent.
- 18 6. Unless otherwise terminated by the court, the temporary domestic violence protection  
19 order is in effect until a protection order issued under section 14-07.7-07 is served.

20 **14-07.7-07. Domestic violence protection order.**

- 21 1. The court may enter a domestic violence protection order if:
- 22 a. The petitioner files a petition under section 14-07.7-02;
- 23 b. The sheriff serves the respondent with a copy of the temporary domestic violence  
24 protection order issued under section 14-07.7-06 and with notice of the time and  
25 place of the hearing;
- 26 c. The court sets a hearing for no later than fourteen days after issuance of the  
27 temporary domestic violence protection order or at a later date if good cause is  
28 shown; and
- 29 d. The court finds after the hearing that:
- 30 (1) The relationship between the respondent and protected individual is  
31 sufficient to warrant protection; and

- 1                   (2) There was a showing of actual or imminent domestic violence.
- 2           2. The relief provided in the domestic violence protection order may include:
- 3           a. Restraining any party from threatening, molesting, injuring, harassing, or having  
4           contact with any other individual.
- 5           b. Excluding the respondent from the residence of another individual or from a place  
6           necessary to ensure the safety of the protected individual.
- 7           c. Awarding temporary primary residential responsibility or establishing temporary  
8           parenting time with regard to minor children.
- 9           d. Recommending or requiring that the respondent complete a domestic violence  
10           offender assessment and attend a domestic violence intervention program as  
11           determined appropriate by the court. The court may request a report from the  
12           designated program within a time period established by the court. The costs of  
13           the court-ordered assessment and subsequent reports must be borne by the  
14           respondent or, if indigent, by the respondent's county of residence.
- 15           e. Requiring a party to pay any support necessary for the support of a party and any  
16           minor children of the parties and reasonable attorney's fees and costs.
- 17           f. Awarding temporary use of personal property, including motor vehicles, to either  
18           party.
- 19           g. Requiring the respondent to surrender for safekeeping any firearm or other  
20           specified dangerous weapon, as defined in section 12.1-01-04, in the  
21           respondent's possession, custody, or control, if the court has probable cause to  
22           believe the respondent is likely to use, display, or threaten to use the firearm or  
23           other dangerous weapon in further acts of violence. If ordered to surrender a  
24           firearm or other dangerous weapon, the respondent shall surrender the firearm or  
25           dangerous weapon within twenty-four hours of being served or upon the request  
26           of a law enforcement officer, whichever is sooner, to:
- 27           (1) The sheriff, or the sheriff's designee, of the county in which the respondent  
28           resides; or
- 29           (2) The chief of police, or the chief's designee, of the city in which the  
30           respondent resides.

1       3. If the respondent is ordered to surrender a firearm or other dangerous weapon and  
2       fails to do so within twenty-four hours, a law enforcement officer may arrest the  
3       respondent in accordance with section 14-07.7-18 and take possession of the firearm  
4       or dangerous weapon.

5       **14-07.7-08. Temporary sexual assault restraining order.**

6       1. If the petition for relief alleges reasonable grounds to believe an individual has  
7       committed sexual assault, the court, pending a full hearing, may grant a temporary  
8       sexual assault restraining order.

9       2. A temporary restraining order may be entered only against the individual named in the  
10      petition. The order must include provisions prohibiting the individual from:

11      a. Harassing, stalking, or threatening the protected individual;

12      b. Appearing at the residence, school, and place of employment of the protected  
13      individual; and

14      c. Contacting the protected individual.

15      **14-07.7-09. Sexual assault restraining order.**

16      1. The court may grant a sexual assault restraining order if:

17      a. The petitioner files a petition under section 14-07.7-02;

18      b. The sheriff serves the respondent with a copy of the temporary sexual assault  
19      restraining order issued under section 14-07.7-08 and with notice of the time and  
20      place of the hearing;

21      c. The court sets a hearing for no later than fourteen days after issuance of the  
22      temporary sexual assault restraining order or a later date if good cause is shown;  
23      and

24      d. The court finds after the hearing there are reasonable grounds to believe the  
25      respondent committed sexual assault.

26      2. The order must include provisions prohibiting the respondent from:

27      a. Harassing, stalking, or threatening the protected individual;

28      b. Appearing at the residence, school, and place of employment of the protected  
29      individual; and

30      c. Contacting the protected individual.

31      3. The relief granted by the sexual assault restraining order may not exceed two years.

1        **14-07.7-10. Assistance of state's attorney or domestic violence sexual assault**  
2 **advocate.**

- 3        1. Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a  
4        state's attorney staff member may assist an individual in preparation of documents  
5        necessary to secure a civil protection order under this section.  
6        2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate  
7        certified under rules of the supreme court may assist an individual in preparation of  
8        documents necessary to secure a civil protection order under this chapter and may sit  
9        with the petitioner during court proceedings.

10       **14-07.7-11. Notification of stalking law.**

11       When an order is issued under this chapter, the order must include or have attached to it a  
12 copy of section 12.1-17-07.

13       **14-07.7-12. Service.**

- 14       1. When a protection order is issued, extended, modified, or terminated under this  
15       chapter, the court shall transmit a copy of the order to the sheriff of the county in which  
16       the respondent resides for service on the respondent.  
17       2. If the respondent cannot be served, the order may be served on the respondent by  
18       publication under rule 4 of the North Dakota Rules of Civil Procedure.  
19       3. Service must be made on the respondent at least five days before the hearing. If  
20       service cannot be made or if additional time is required to complete service by  
21       publication, the court may set a new date for the hearing.  
22       4. No service fee may be charged to the petitioner.

23       **14-07.7-13. Right to apply for relief.**

24       An individual's right to apply for relief under this chapter is not affected if the individual  
25 leaves the residence or dwelling to avoid domestic violence. The court may not require security  
26 or bond from any party unless the court deems it necessary in exceptional cases.

27       **14-07.7-14. Appointment of guardian ad litem of minor.**

- 28       1. The court, upon the request of either party or upon its own motion, may appoint an  
29       attorney guardian ad litem in an action for a civil protection order to represent a minor  
30       if either party or the court has reason for special concern for the immediate future of  
31       the minor.

- 1       2. A guardian ad litem may be appointed at the time of a temporary civil protection order
- 2           or any time before the full hearing.
- 3       3. The role of the guardian ad litem consists of investigation and making a
- 4           recommendation and report to the court. At no time may the involvement of the
- 5           guardian ad litem alter the requirements set forth in section 14-07.7-02.
- 6       4. Appointment of the guardian ad litem expires immediately after the full hearing unless
- 7           the court retains the right, upon specific finding of need, to continue the appointment
- 8           of a guardian ad litem to represent a minor in matters concerning parenting time.
- 9       5. The guardian ad litem shall have access to records before the court, except as
- 10           otherwise provided by law.
- 11       6. The court may direct either or both parties to pay the guardian ad litem fees
- 12           established by the court. If neither party is able to pay the fees, the court, after notice
- 13           to the state's attorney of the county of venue, may direct the fees to be paid, in whole
- 14           or in part, by the county of venue. The court may direct either or both parties to
- 15           reimburse the county, in whole or in part, for the payment.

16       **14-07.7-15. Nonexclusive remedy.**

17       Any proceeding under this chapter may be in addition to other civil or criminal remedies.

18       **14-07.7-16. Transmittal to bureau of criminal investigation.**

- 19       1. When a protection order is issued, extended, modified, or terminated under this
- 20           chapter, the court shall transmit the order electronically to the bureau of criminal
- 21           investigation.
- 22       2. The bureau shall enter the order electronically in the national crime information center
- 23           database provided by the federal bureau of investigation, or its successor agency.
- 24       3. The sheriff of the county in which the order was issued shall maintain and respond to
- 25           inquiries regarding a record in the national crime information center database provided
- 26           by the federal bureau of investigation in accordance with bureau and federal
- 27           requirements.
- 28       4. When a protection order is issued, the clerk of court shall forward a copy of the order
- 29           to the local law enforcement agency with jurisdiction over the residence of the
- 30           protected party by the close of business on the day the protection order is issued.

1        5. If the bureau, after consultation with the state court administrator, determines and  
2            implements an electronic method to notify the sheriff of the county that issued the  
3            order, the clerk of court's requirement to forward the order to a law enforcement  
4            agency will be satisfied.

5        **14-07.7-17. Penalty for violation of a civil protection order.**

6        When a civil protection order is granted under this chapter and the respondent or individual  
7        to be restrained is served a copy of the order, the first violation of an order is a class A  
8        misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following  
9        a conviction, a second or subsequent violation under this chapter is a class C felony.

10       **14-07.7-18. Arrest without warrant.**

11       1. A law enforcement officer shall arrest an individual without a warrant if the individual  
12       has committed the offense of violating a protection order under subsection 1 of section  
13       14-07.7-03, regardless of whether the violation was committed in the presence of the  
14       officer.

15       2. A law enforcement officer may not be held criminally or civilly liable for making an  
16       arrest under this section if the officer acts in good faith on probable cause without  
17       malice.

18       **14-07.7-19. Assistance of law enforcement.**

19       When an order is issued upon request of the petitioner, the court shall order the sheriff or  
20       other appropriate law enforcement officer to accompany the petitioner and assist in placing the  
21       petitioner in possession of the dwelling or residence, or otherwise assist in execution of the  
22       protection order, which may include referral to a domestic violence shelter care facility.

23       **14-07.7-20. Orders issued before January 1, 2026.**

24       An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or  
25       14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

26       **SECTION 12. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-09-33.4 of the  
27       North Dakota Century Code is amended and reenacted as follows:

28            b. The student has:

29                    (1) ~~An order prohibiting contact~~ a civil protection order issued against the  
30                    student at the request of another student or employee of the school under  
31                    ~~section 12.1-31.2-02~~chapter 14-07.7;

1           (2) ~~A disorderly conduct restraining order issued against the student at the~~  
2           ~~request of another student or employee of the school under section~~  
3           ~~12.1-31.2-01, except a temporary restraining order under subsection 4 of~~  
4           ~~section 12.1-31.2-01; or~~

5           (3) ~~A protection order issued against the student at the request of another~~  
6           ~~student or employee of the school, except a temporary protection order~~  
7           ~~under section 14-07.1-03;~~

8           **SECTION 13. AMENDMENT.** Section 16.1-02-07 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **16.1-02-07. Reporting changes of names - Changes to records in the central voter file.**

11           The state court administrator shall provide for the regular reporting to the secretary of state  
12 the name, address, date of birth, and county of residence, if available, of each individual  
13 eighteen years of age or older whose name was changed by divorce or any order or decree of  
14 the court since the last report. Any individual who has obtained a civil protection order under  
15 ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section~~  
16 ~~12.1-31.2-01~~chapter 14-07.7 must be listed in the central voter file with a "secured active"  
17 designation. A "secured active" designation means a record maintained as an active voter for  
18 pollbook purposes, but otherwise is an exempt record. The state court administrator or the  
19 bureau of criminal investigation shall make available upon request of the secretary of state the  
20 name of each individual who has obtained such an order.

21           **SECTION 14. AMENDMENT.** Section 29-01-15 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **29-01-15. Jurisdiction of municipal judges and small claims court referees.**

24           1. Any municipal judge may:

25           1. a. Act as committing magistrate; provided, that this subsection does not apply to  
26           municipal judges who are not attorneys currently licensed under chapter 27-11.

27           2. b. Hear, try, and determine misdemeanors and infractions when jurisdiction has  
28           been conferred by the Constitution of North Dakota and this and other laws.

29           3. c. Adjudge and impose the punishment prescribed by law, upon conviction, in all  
30           cases within the municipal judge's jurisdiction to hear, try, and determine.

1       4.       Grant temporary protection orders under the particular circumstances and for the  
2               limited duration set forth in section 14-07.1-08.

3       2.       A small claims court referee authorized pursuant to subsection 3 of section 29-01-14  
4               may act as a committing magistrate. A magistrate appointed by the presiding judge of  
5               the judicial district has the authority to act to the extent allowed by rules promulgated  
6               by the supreme court.

7       **SECTION 15. AMENDMENT.** Subdivision g of subsection 1 of section 29-06-15 of the North  
8       Dakota Century Code is amended and reenacted as follows:

9               g.       For the offense of violating a ~~protection order under section 14-07.1-06~~, an order  
10              prohibiting contact under section 12.1-31.2-02, ~~or for an assault involving~~  
11              ~~domestic violence under section 14-07.1-11~~ or a civil protection order under  
12              chapter 14-07.7.

13       **SECTION 16. AMENDMENT.** Subdivision a of subsection 2 of section 47-16-17.1 of the  
14       North Dakota Century Code is amended and reenacted as follows:

15              a.       The tenant fears imminent domestic violence from a person named in a court  
16              order, an order prohibiting contact, or a civil protection order under ~~section 14-~~  
17              ~~07.1-02, ex parte temporary protection order, order prohibiting contact,~~  
18              ~~restraining order,~~ chapter 14-07.7, or other record filed with a court;

19       **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,  
20       14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of  
21       the North Dakota Century Code are repealed.

22       **SECTION 18. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.