

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1328

Introduced by

Representatives Heinert, Hauck, Jonas, Meier, Wagner

Senators Larson, Schaible

1 A BILL for an Act to amend and reenact ~~subsection 7 of section 27-20.3-01 and section~~
2 27-20.4-05.1 of the North Dakota Century Code, relating to ~~the definition of custodian and~~
3 delinquency referrals to juvenile court.

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

5 ~~SECTION 1. AMENDMENT. Subsection 7 of section 27-20.3-01 of the North Dakota~~
6 ~~Century Code is amended and reenacted as follows:~~

7 ~~7. "Custodian" means a person, other than a parent or legal guardian, which stands in~~
8 ~~loco parentis to the child and, a person to which legal custody of the child has been~~
9 ~~given by order of a court, or a public or nonpublic school attended by the child.~~

10 **SECTION 1. AMENDMENT.** Section 27-20.4-05.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **27-20.4-05.1. Method of making a delinquency referral to juvenile court.**

- 13 1. A referral alleging a child has committed a delinquent act may be made to the juvenile
14 court by an employee of a public or nonpublic school attended by the child or a law
15 enforcement officer who has reasonable grounds and knowledge of the facts alleged
16 and believes such facts are true.
- 17 2. If a child is taken into custody on the alleged delinquent act, the law enforcement
18 officer shall send the referral to the juvenile court within twenty-four hours after the
19 time in which the minor is taken into custody under section 27-20.4-05.

- 1 3. A child who commits an infraction or misdemeanor offense on school property may not
2 be referred to the juvenile court unless school interventions have been unsuccessful
3 and documentation ~~is~~ of internal or external consultations are included with the referral
4 indicating which interventions or educational approaches were attempted. A school
5 shall exhaust all school discipline policies before referring a child to juvenile court.
- 6 a. A school is not required to engage in interventions before referring a case for the
7 following misdemeanor offenses:
- 8 (1) Drug-related offenses under title 19;
9 (2) Offenses against a person under chapter 12.1-17, 12.1-31.2, or 14-07.1;
10 (3) Sex offenses under chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29;
11 and
12 (4) Any offense involving a firearm, weapon, or dangerous weapon as defined
13 in section 62.1-01-01.
- 14 b. A law enforcement officer may:
- 15 (1) Investigate possible delinquent offenses and conduct occurring at a school,
16 including conducting probable cause searches;
17 (2) Consult with school staff about the conduct of a child enrolled in a school;
18 (3) Refer a child to the juvenile court for a delinquent offense occurring on
19 school grounds or on school property as allowed by this section;
20 (4) Transport a child enrolled in a school to a location permitted by law;
21 (5) Take temporary custody of a child in accordance with section 27-20.4-05 or
22 protective custody of a child in accordance with section 27-20.3-06; and
23 (6) Protect the safety of students and the school community.