

FIRST ENGROSSMENT

ENGROSSED 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 section 27-20.4-05.1 of the North Dakota Century
2 Code, relating to delinquency referrals to juvenile court.

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

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

6 **27-20.4-05.1. Method of making a delinquency referral to juvenile court.**

- 7 1. A referral alleging a child has committed a delinquent act may be made to the juvenile
8 court by an employee of a public or nonpublic school attended by the child or a law
9 enforcement officer who has reasonable grounds and knowledge of the facts alleged
10 and believes such facts are true.
- 11 2. If a child is taken into custody on the alleged delinquent act, the law enforcement
12 officer shall send the referral to the juvenile court within twenty-four hours after the
13 time in which the minor is taken into custody under section 27-20.4-05.
- 14 3. A child who commits an infraction or misdemeanor offense on school property may not
15 be referred to the juvenile court unless school interventions have been unsuccessful
16 and documentation of internal or external consultations is included with the referral
17 indicating which interventions or educational approaches were attempted. A school
18 shall exhaust all school discipline policies before referring a child to juvenile court.
- 19 a. A school is not required to engage in interventions before referring a case for the
20 following misdemeanor offenses:
- 21 (1) Drug-related offenses under title 19;
- 22 (2) Offenses against a person under chapter 12.1-17, 12.1-31.2, or 14-07.1;

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- 1 (3) Sex offenses under chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29;
2 and
3 (4) Any offense involving a firearm, weapon, or dangerous weapon as defined
4 in section 62.1-01-01.
- 5 b. A law enforcement officer may:
- 6 (1) Investigate possible delinquent offenses and conduct occurring at a school,
7 including conducting probable cause searches;
- 8 (2) Consult with school staff about the conduct of a child enrolled in a school;
- 9 (3) Refer a child to the juvenile court for a delinquent offense occurring on
10 school grounds or on school property as allowed by this section;
- 11 (4) Transport a child enrolled in a school to a location permitted by law;
- 12 (5) Take temporary custody of a child in accordance with section 27-20.4-05 or
13 protective custody of a child in accordance with section 27-20.3-06; and
14 (6) Protect the safety of students and the school community.