

# PROPOSED AMENDMENTS TO

Legislative Assembly  
of North Dakota

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

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

3 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,  
4 and restraining orders.**

5 The bureau shall maintain a registry of all orders of which it receives notice under sections  
6 ~~11-15-32, and 12.1-31.2-02, 14-07.1-02, and 14-07.1-03~~ chapter 14-07.7.

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

9 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,  
10 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,  
11 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01,~~ 12.1-31.2-02, or  
12 ~~14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a  
13 domestic violence offender assessment and intervention program as determined by  
14 the court. A court may not order the offender to attend anger management classes or  
15 individual counseling unless a domestic violence offender intervention program is not  
16 reasonably available to the defendant and the court makes findings for the record  
17 explaining why an order to complete a domestic violence offender intervention  
18 program would be inappropriate.

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

21 **14-05-23. Temporary support, attorney's fees, and parental rights and  
22 responsibilities.**

23 During any time in which an action for separation or divorce is pending, the court, upon  
24 application of a party, may issue an order requiring a party to pay such support as may be  
25 necessary for the support of a party and minor children of the parties and for the payment of  
26 attorney's fees. The court in the order may make an order concerning parental rights and  
27 responsibilities concerning the children of the parties. The order may be issued and served in  
28 accordance with the North Dakota Rules of Court. The court may include in the order a  
29 provision for domestic violence protection provided the party has submitted a verified  
30 ~~application~~ petition for the order which is sufficient to meet the criteria defined in subsection 2 of  
31 section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties

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1 established in section ~~14-07.1-06~~14-07.7-17 and the arrest procedures authorized in section  
2 ~~14-07.1-11~~14-07.7-18.

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

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

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

15 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

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

24 **14-07.1-11. Arrest without warrant.**

25 1. ~~A law enforcement officer shall arrest a person without a warrant if the person has~~  
26 ~~committed the offense of violating a protection order under section 14-07.1-06,~~  
27 ~~whether or not the violation was committed in the presence of the officer.~~  
28 2. A law enforcement officer may arrest a ~~person~~an individual without a warrant if the  
29 arrest is made within twelve hours from the time the officer determines there is  
30 probable cause to arrest for an assault of a family or household member as defined in  
31 section 14-07.1-01, whether or not the assault took place in the presence of the officer.  
32 After twelve hours has elapsed, the officer ~~must~~shall secure an arrest warrant before

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1 making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual  
2 pursuant to this subsection without first observing that there has been recent physical  
3 injury to, or impairment of physical condition of, the alleged victim. This subsection  
4 does not apply to an arrest made by a law enforcement officer in accordance with  
5 section 14-07.7-18.

6 ~~3-2.~~ A law enforcement officer may not be held criminally or civilly liable for making an  
7 arrest ~~pursuant to~~ under this section if the officer acts in good faith on probable cause  
8 and without malice.

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

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

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

20 **14-07.1-19. Release conditions.**

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

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

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

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

1 **14-07.7-01. Definitions.**

2 For purposes of this chapter:

3 1. a. "Civil protection order" means a protection order that prohibits the restrained  
4 individual from:

5 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,  
6 touching, stalking, sexually assaulting, or abusing any protected individual;

7 (2) Entering or remaining on premises;

8 (3) Coming within a specified distance of the protected individual or premises;  
9 or

10 (4) Any other action necessary to protect the protected individual from imminent  
11 danger to life or health.

12 b. A civil protection order may be a:

13 (1) Disorderly conduct restraining order;

14 (2) Domestic violence protection order; or

15 (3) Sexual assault restraining order.

16 2. "Contact" means any interaction or communication with another individual, directly or  
17 indirectly, including electronic, digital, and social media communication.

18 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to  
19 adversely affect the safety, security, or privacy of another individual. Disorderly  
20 conduct includes human trafficking and attempted human trafficking as defined in  
21 title 12.1. Disorderly conduct does not include constitutionally protected activity.

22 4. "Domestic violence" includes physical harm, **stalking** bodily injury, sexual activity  
23 compelled by physical force, assault, or the infliction of fear of imminent physical harm,  
24 bodily injury, sexual activity compelled by physical force, or assault, not committed in  
25 self-defense, on the complaining family or household member.

26 5. "Family or household member" means a spouse, family member, former spouse,  
27 parent, child, individual related by blood or marriage, individuals in a dating  
28 relationship, individuals residing together or who have resided together in the past,  
29 individuals with a child in common regardless of relationship status and, for the  
30 purpose of the issuance of a civil protection order, any other individual with a sufficient  
31 relationship to the abusing individual as determined by the court under section  
32 14-07.7-07.

1       6. "Protected individual" means the individual identified in a civil protection order issued  
2       under this chapter as the individual for whose benefit the civil protection order was  
3       issued.

4       7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which  
5       sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

6       8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and  
7       disorderly conduct include stalking.

8       **14-07.7-02. Petition for civil protection order.**

9       1. An individual who is or has been a victim of disorderly conduct, domestic violence, or  
10       sexual assault may file a petition for a civil protection order against:

11       a. A family or household member who commits an act of domestic violence; or

12       b. An individual who has committed disorderly conduct or sexual assault.

13       2. The petition must identify which type of civil protection order is sought.

14       3. If the individual to be protected is a minor, the parent or guardian shall file a petition on  
15       behalf of the minor. The parent or guardian of the minor is the petitioner and the minor  
16       is the protected individual.

17       4. If the respondent is a minor, the parent or guardian must be notified of the petition and  
18       any subsequent order.

19       5. The petition must allege facts sufficient to show:

20       a. The name of the alleged victim;

21       b. The name of the respondent engaging in the alleged conduct; and

22       c. The respondent engaged in the alleged conduct.

23       6. The petition must contain:

24       a. A declaration stating the specific facts and circumstances supporting the relief  
25       sought; and

26       b. A statement listing each civil or criminal action involving both parties.

27       7. A petition may be against only one respondent. Dual protection orders in a single  
28       action are prohibited.

29       8. A petition may be brought under this chapter without regard to the commencement of  
30       an action for legal separation, annulment, divorce, or parenting rights and  
31       responsibilities.

32       9. A filing fee may not be charged for a civil protection order petition.

1 **14-07.7-03. Civil protection order - General provisions.**

2 1. A civil protection order must contain a conspicuous notice to the respondent providing:

3 a. The specific conduct that constitutes a violation;

4 b. The penalties for violation of the order; and

5 c. A peace officer may arrest the respondent without a warrant and take the  
6 respondent into custody if the peace officer has probable cause to believe the  
7 respondent violated the order.

8 2. The court may amend an order following a motion filed by either party.

9 3. An order entered under this chapter expires on the expiration date provided in the  
10 order at eleven fifty-nine p.m. central standard time.

11 4. No order under this chapter affects title to real property.

12 **14-07.7-04. Temporary disorderly conduct restraining order.**

13 1. If the petition for relief alleges reasonable grounds that a respondent engaged in  
14 disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly  
15 conduct restraining order ordering the respondent to cease the disorderly conduct or  
16 contact with the protected individual.

17 2. A temporary restraining order may be entered:

18 a. Against the respondent named in the petition; and

19 b. Without notice to the respondent.

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

22 **14-07.7-05. Disorderly conduct restraining order.**

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

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

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

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

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

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

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

5        **14-07.7-06. Temporary domestic violence protection order.**

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

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

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

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

15            d. Requiring the respondent to surrender for safekeeping any firearm or other  
16            specified dangerous weapon, as defined in section 12.1-01-04, which is in the  
17            respondent's possession, custody, or control, if the court has probable cause to  
18            believe the respondent is likely to use, display, or threaten to use the firearm or  
19            other dangerous weapon in further acts of violence.

20        2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall  
21            surrender the firearm or dangerous weapon within twenty-four hours of being served,  
22            or upon request of a law enforcement officer, whichever is sooner, to:

23            a. The sheriff, or the sheriff's designee, of the county in which the respondent  
24            resides; or

25            b. The chief of police, or the chief's designee, of the city in which the respondent  
26            resides.

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

31        4. A temporary domestic violence protection order may be entered only against the  
32            respondent named in the petition.



1        5. The court may issue a temporary domestic violence protection order without giving  
2            notice to the respondent.

3        6. Unless otherwise terminated by the court, the temporary domestic violence protection  
4            order is in effect until a protection order issued under section 14-07.7-07 is served.

5        **14-07.7-07. Domestic violence protection order.**

6        1. The court may enter a domestic violence protection order if:

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

8            b. The sheriff serves the respondent with a copy of the temporary domestic violence  
9            protection order issued under ~~subsection 1~~ section 14-07.7-06 and with notice of  
10           the time and place of the hearing;

11           c. The court sets a hearing for no later than fourteen days after issuance of the  
12           temporary domestic violence protection order or at a later date if good cause is  
13           shown; and

14           d. The court finds after the hearing that:

15                (1) The relationship between the respondent and protected individual is  
16                sufficient to warrant protection; and

17                (2) There was a showing of actual or imminent domestic violence.

18        2. The relief provided in the domestic violence protection order may include:

19            a. Restraining any party from threatening, molesting, injuring, harassing, or having  
20            contact with any other individual.

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

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

25            d. Recommending or requiring that the respondent complete a domestic violence  
26            offender assessment and attend a domestic violence intervention program as  
27            determined appropriate by the court. The court may request a report from the  
28            designated program within a time period established by the court. The costs of  
29            the court-ordered assessment and subsequent reports must be borne by the  
30            respondent or, if indigent, by the respondent's county of residence.

31            e. Requiring a party to pay any support necessary for the support of a party and any  
32            minor children of the parties and reasonable attorney's fees and costs.

- 1           f. Awarding temporary use of personal property, including motor vehicles, to either  
2           party.
- 3           g. Requiring the respondent to surrender for safekeeping any firearm or other  
4           specified dangerous weapon, as defined in section 12.1-01-04, in the  
5           respondent's possession, custody, or control, if the court has probable cause to  
6           believe the respondent is likely to use, display, or threaten to use the firearm or  
7           other dangerous weapon in further acts of violence. If ordered to surrender a  
8           firearm or other dangerous weapon, the respondent shall surrender the firearm or  
9           dangerous weapon within twenty-four hours of being served, or upon request of a  
10           law enforcement officer, whichever is sooner, to:
- 11           (1) The sheriff, or the sheriff's designee, of the county in which the respondent  
12           resides; or
- 13           (2) The chief of police, or the chief's designee, of the city in which the  
14           respondent resides.
- 15           3. If the respondent is ordered to surrender a firearm or other dangerous weapon and  
16           fails to do so within twenty-four hours, a law enforcement officer may arrest the  
17           respondent in accordance with section 14-07.7-18 and take possession of the firearm  
18           or dangerous weapon.

19           **14-07.7-08. Temporary sexual assault restraining order.**

- 20           1. If the petition for relief alleges reasonable grounds to believe an individual has  
21           committed sexual assault, the court, pending a full hearing, may grant a temporary  
22           sexual assault restraining order.
- 23           2. A temporary restraining order may be entered only against the individual named in the  
24           petition. The order must include provisions prohibiting the individual from:
- 25           a. Harassing, stalking, or threatening the protected individual;
- 26           b. Appearing at the residence, school, and place of employment of the protected  
27           individual; and
- 28           c. Contacting the protected individual.

29           **14-07.7-09. Sexual assault restraining order.**

- 30           1. The court may grant a sexual assault restraining order if:
- 31           a. The petitioner files a petition under section 14-07.7-02;

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- 1            b. The sheriff serves the respondent with a copy of the temporary sexual assault
- 2                     restraining order issued under section 14-07.7-08 and with notice of the time and
- 3                     place of the hearing;
- 4            c. The court sets a hearing for no later than fourteen days after issuance of the
- 5                     temporary sexual assault restraining order or a later date if good cause is shown;
- 6                     and
- 7            d. The court finds after the hearing there are reasonable grounds to believe the
- 8                     respondent committed sexual assault.
- 9            2. The order must include provisions prohibiting the respondent from:
- 10                   a. Harassing, stalking, or threatening the protected individual;
- 11                   b. Appearing at the residence, school, and place of employment of the protected
- 12                   individual; and
- 13                   c. Contacting the protected individual.
- 14            3. The relief granted by the sexual assault restraining order may not exceed two years.

15            **14-07.7-10. Assistance of state's attorney or domestic violence sexual assault**  
16 **advocate.**

- 17            1. Notwithstanding subsection 5 of section 11-16-05, a state's attorney may advise and
- 18                     assist an individual in preparation of documents necessary to secure a civil protection
- 19                     order under this section.
- 20            2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate may
- 21                     assist an individual in preparation of documents necessary to secure a civil protection
- 22                     order under this chapter and may sit with the petitioner during court proceedings.

23            **14-07.7-11. Notification of stalking law.**

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

26            **14-07.7-12. Service.**

- 27            1. When a protection order is issued, extended, modified, or terminated under this
- 28                     chapter, the court shall transmit a copy of the order to the sheriff of the county in which
- 29                     the respondent resides for service on the respondent.
- 30            2. If the respondent cannot be served, the order may be served on the respondent by
- 31                     publication under rule 4 of the North Dakota Rules of Civil Procedure.

1        3. Service must be made on the respondent at least five days before the hearing. If  
2        service cannot be made or if additional time is required to complete service by  
3        publication, the court may set a new date for the hearing.

4        4. No service fee may be charged to the petitioner.

5        **14-07.7-13. Right to apply for relief.**

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

9        **14-07.7-14. Appointment of guardian ad litem of minor.**

10       1. The court, upon the request of either party or upon its own motion, may appoint a  
11       guardian ad litem in an action for a civil protection order to represent a minor  
12       concerning primary residential responsibility, support, or parenting time if either party  
13       or the court has reason for special concern for the immediate future of the minor.

14       2. A guardian ad litem may be appointed at the time of a temporary civil protection order  
15       or any time before the full hearing.

16       3. The role of the guardian ad litem consists of investigation and making a  
17       recommendation and report to the court. At no time may the involvement of the  
18       guardian ad litem alter the requirements set forth in section 14-07.7-02.

19       4. Appointment of the guardian ad litem expires immediately after the full hearing unless  
20       the court retains the right, upon specific finding of need, to continue the appointment of  
21       a guardian ad litem to represent a minor in matters concerning parenting time.

22       5. The guardian ad litem shall have access to records before the court, except as  
23       otherwise provided by law.

24       6. The court may direct either or both parties to pay the guardian ad litem fees  
25       established by the court. If neither party is able to pay the fees, the court, after notice  
26       to the state's attorney of the county of venue, may direct the fees to be paid, in whole  
27       or in part, by the county of venue. The court may direct either or both parties to  
28       reimburse the county, in whole or in part, for the payment.

29       **14-07.7-15. Nonexclusive remedy.**

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

1 **14-07.7-16. Transmittal to bureau of criminal investigation.**

2 1. When a protection order is issued, extended, modified, or terminated under this  
3 chapter, the court shall transmit the order electronically to the bureau of criminal  
4 investigation.

5 2. The bureau shall enter the order electronically in the national crime information center  
6 database provided by the federal bureau of investigation, or its successor agency.

7 3. The sheriff of the county in which the order was issued shall maintain and respond to  
8 inquiries regarding a record in the national crime information center database provided  
9 by the federal bureau of investigation in accordance with bureau and federal  
10 requirements.

11 4. When a protection order is issued, the clerk of court shall forward a copy of the order  
12 to the local law enforcement agency with jurisdiction over the residence of the  
13 protected party by the close of business on the day the protection order is issued.

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

18 **14-07.7-17. Penalty for violation of a civil protection order.**

19 When a civil protection order is granted under this chapter and the respondent or individual  
20 to be restrained is served a copy of the order, violation of any order is a class A misdemeanor. A  
21 violation of a civil protection order also constitutes contempt of court.

22 **14-07.7-18. Arrest without warrant.**

23 1. A law enforcement officer shall arrest an individual without a warrant if the individual  
24 has committed the offense of violating a protection order under subsection 1 of section  
25 14-07.7-03, regardless of whether the violation was committed in the presence of the  
26 officer.

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

30 **14-07.7-19. Assistance of law enforcement.**

31 When an order is issued upon request of the petitioner, the court shall order the sheriff or  
32 other appropriate law enforcement officer to accompany the petitioner and assist in placing the

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1 petitioner in possession of the dwelling or residence, or otherwise assist in execution of the  
2 protection order, which may include referral to a domestic violence shelter care facility.

3 **14-07.7-20. Orders issued before January 1, 2026.**

4 An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or  
5 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

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

8 b. The student has:

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

12 (2) ~~A disorderly conduct restraining order issued against the student at the~~  
13 ~~request of another student or employee of the school under section~~  
14 ~~12.1-31.2-01, except a temporary restraining order under subsection 4 of~~  
15 ~~section 12.1-31.2-01; or~~

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

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

21 **16.1-02-07. Reporting changes of names - Changes to records in the central voter file.**

22 The state court administrator shall provide for the regular reporting to the secretary of state  
23 the name, address, date of birth, and county of residence, if available, of each individual  
24 eighteen years of age or older whose name was changed by divorce or any order or decree of  
25 the court since the last report. Any individual who has obtained a civil protection order under  
26 ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section~~  
27 ~~12.1-31.2-01~~chapter 14-07.7 must be listed in the central voter file with a "secured active"  
28 designation. A "secured active" designation means a record maintained as an active voter for  
29 pollbook purposes, but otherwise is an exempt record. The state court administrator or the  
30 bureau of criminal investigation shall make available upon request of the secretary of state the  
31 name of each individual who has obtained such an order.

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

3 **29-01-15. Jurisdiction of municipal judges and small claims court referees.**

4 1. Any municipal judge may:

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

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

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

11 4. ~~d. Grant temporary protection orders under the particular circumstances and for the~~  
12 ~~limited duration set forth in section 14-07.1-08~~chapter 14-07.7.

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

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

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

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

24 a. The tenant fears imminent domestic violence from a person named in a court  
25 order, protection order under ~~section 14-07.1-02, ex parte temporary protection~~  
26 ~~order, order prohibiting contact, restraining order,~~chapter 14-07.7 or other record  
27 filed with a court;

28 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,  
29 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  
30 the North Dakota Century Code are repealed.

31 **SECTION 18. EFFECTIVE DATE.** This Act is effective on January 1, 2026.