

CHAPTER 14-07.1 DOMESTIC VIOLENCE

14-07.1-01. Definitions.

1. "Department" means the department of health and human services.
2. "Domestic violence" includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.
3. "Domestic violence sexual assault organization" means a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four-hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault.
4. "Family or household member" means a spouse, family member, former spouse, parent, child, individuals related by blood or marriage, individuals who are or were in a dating relationship, individuals who are presently residing together or who have resided together in the past, and individuals who have a child in common regardless of whether they are or have been married or have lived together at any time.
5. "Law enforcement officer" means a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigations of violations of law.
6. "Predominant aggressor" means an individual who is the most significant, not necessarily the first, aggressor.
7. "Willfully" means willfully as defined in section 12.1-02-02.

14-07.1-02. Domestic violence protection order.

Repealed by S.L. 2025, ch. 145, § 17.

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

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

14-07.1-02.2. Foreign domestic violence protection orders - Full faith and credit recognition and enforcement.

Repealed by S.L. 2003, ch. 123, § 3.

14-07.1-03. Temporary protection order - Copy to law enforcement agency.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-03.1. Notification of stalking law.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-04. Assistance of law enforcement officer in service or execution.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-05. Right to apply for relief.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-05.1. Appointment of guardian ad litem for minor.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-06. Penalty for violation of a protection order.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-07. Nonexclusive remedy.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-08. Emergency relief.

Repealed by S.L. 2025, ch. 145, § 17.

14-07.1-08.1. Domestic violence court.

The district court may require an individual who has committed a crime involving domestic violence, as defined in this chapter, or who has violated a domestic violence protection order to complete domestic violence treatment under the direction of the domestic violence court program as a condition of probation in accordance with rules adopted by the supreme court. If the district court finds a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with chapter 12.1-32.

14-07.1-09. Immunity from liability - Penalty for false reports.

Repealed by S.L. 1989, ch. 589, § 16.

14-07.1-10. Arrest procedures.

1. If a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the offense is a felony or misdemeanor, and whether or not the crime was committed in the presence of the officer, the law enforcement officer shall presume that arresting the person is the appropriate response.
2. A law enforcement officer investigating a crime involving domestic violence may not threaten, suggest, or otherwise indicate, for the purpose of discouraging requests for law enforcement intervention, that family or household members will be arrested. When complaints are received from two or more family or household members, the officer shall evaluate each complaint separately to determine if either party acted in self-defense as defined in section 12.1-05-03. If self-defense is not a factor, to determine whether to seek an arrest warrant or to pursue further investigation, the officer shall consider which party was the predominant aggressor by considering certain factors, including the comparative severity of injuries involved, any history of domestic violence, or any other violent acts that the officer can reasonably ascertain and the likelihood of future harm.
3. An individual arrested for a crime involving domestic violence may not be released on bail or on the individual's personal recognizance unless the individual has made a personal appearance before a magistrate pursuant to rule 5 of the North Dakota Rules of Criminal Procedure.

14-07.1-11. Arrest without warrant.

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

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

14-07.1-12. Reports.

A law enforcement officer shall make a written report of the investigation of any allegation of domestic violence regardless of whether an arrest was made. If an officer determines through the course of an investigation that one of the individuals was the predominant aggressor, the report must include the name of that individual and a description of the evidence that supports the findings. The officer shall submit the report to the officer's supervisor or to any other person to whom the officer is required to submit similar reports.

14-07.1-13. Order prohibiting contact - Penalty.

Repealed by S.L. 2009, ch. 134, § 3.

14-07.1-14. Law enforcement guidelines and training.

1. Every law enforcement agency shall develop and implement, with assistance from the criminal justice training and statistics division, specific operational guidelines for arrest policies and procedures in crimes involving domestic violence. The guidelines must include procedures for the conduct of criminal investigations, procedures for arrests and victim assistance by law enforcement officers, procedures concerning the provision of services to victims, and any additional procedures as may be necessary to carry out sections 14-07.1-08.1 through 14-07.1-14 and chapter 14-07.7.
2. The peace officer standards and training board shall establish, in conjunction with the state's attorneys association, an education and training program for law enforcement officers and state's attorneys concerning the handling of crimes involving domestic violence. The training must stress the enforcement of criminal laws in domestic violence cases and the use of community resources.

14-07.1-15. Domestic violence and sexual assault prevention fund established.

The domestic violence and sexual assault prevention fund is a special fund in the state treasury. The moneys accumulated in the fund are allocated to the department for distribution as provided by this chapter and within the limits of legislative appropriation. The fund is not subject to section 54-44.1-11.

14-07.1-16. Grants - Eligibility - Conditions - Limitation.

The department shall administer moneys in the domestic violence and sexual assault prevention fund for grants to domestic violence sexual assault organizations as defined in section 14-07.1-01. Up to ten percent of the fund may be allocated to the state domestic violence sexual assault coalition, as recognized by the state department of health. A direct service provider agency that is an eligible entity must receive at least twenty-five percent of its funding from one or more local, municipal, or county sources, either in cash or in kind. Grants are renewable within the limits of legislative appropriation, if the applicant continues to meet the eligibility criteria established by this section and rules adopted by the department. Grant application deadlines may be included in any rules adopted to implement this section.

14-07.1-17. Duties of the department.

The department shall:

1. Respond to all applicants within sixty days after the deadline for receipt of applications, whether or not the applicant is eligible for funds.
2. Ensure that no more than ten percent of the moneys allocated to the domestic violence prevention fund in any biennium is expended for departmental administration of the grant program.
3. Distribute grants to eligible applicants in accordance with the purposes of sections 14-07.1-15 through 14-07.1-18.

14-07.1-18. Domestic violence or sexual assault program records - Confidentiality - Exceptions - Penalty.

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;
 - b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20.3-20, 27-20.3-21, 27-20.3-22, 27-20.3-23, and 27-20.3-24; or
 - d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.
4. Any person who violates this section is guilty of an infraction.

14-07.1-19. Release conditions.

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

14-07.1-20. Domestic violence fatality review commission.

1. The attorney general's office may establish a domestic violence fatality review commission to review domestic violence deaths that have occurred in the state. The domestic violence fatality review commission may review incidents in which the investigation of fatal incidents of domestic violence has been completed or adjudicated by law enforcement for the purpose of:
 - a. Recommending policies and protocols to prevent the incidence of domestic violence and resulting fatalities; and
 - b. Providing consultation and coordination for agencies involved in the prevention and investigation of domestic violence.
2. The attorney general shall appoint the membership of the domestic violence fatality review commission, as appropriate, and may include representatives from:
 - a. Law enforcement agencies within the state;
 - b. County or city attorneys and public defenders, and the judiciary;
 - c. The medical examiner;

- d. The department of corrections and rehabilitation;
 - e. Physicians and mental health professionals;
 - f. Employees of the department of health and human services and county social services;
 - g. Local civic agencies and organizations involved with crime victims and domestic violence protection, reporting, counseling, and assistance;
 - h. Other organizations, departments, and agencies determined to be appropriate; and
 - i. Other individuals serving on an ad hoc basis in association with a particular review.
3. The commission may investigate and review the facts and circumstances of all deaths that occur in the state as a result of domestic violence.
 - a. The review may include necessary and appropriate information, including current laws and policies, actions taken by agencies and persons related to or involved with the incident, criminal justice data collection and analysis, and other information the commission determines to be relevant to the review.
 - b. The confidential and other appropriate records of a department or agency of the state, county, or municipality relating to the domestic violence incident may be examined by the commission. Upon request or investigative demand from a representative of the commission, any hospital, physician, medical professional, medical facility, mental health professional, or mental health facility shall disclose all records of that person with respect to any death that has occurred as a result of domestic violence, as determined by the commission. The domestic violence fatality review commission and each member of the commission shall preserve the confidentiality of any records examined.
 4. The domestic violence fatality review commission shall report its findings and recommendations from the previous calendar year to the attorney general before March thirty-first of each year.
 5. Meetings of the domestic violence fatality review commission are closed to the public and are not subject to section 44-04-19.
 6. The determinations, conclusions, and recommendations of the domestic violence fatality review commission are not admissible in a civil or criminal proceeding.
 7. Except for a public report issued by the attorney general's office, any information, records, or data collected by the commission are an exempt record. The commission may not use the information, records, or data for purposes other than those designated by this section.
 8. Whenever funding is available from grants, a member of the domestic violence fatality review commission who is not a permanent full-time state employee is entitled to compensation at a rate of seventy-five dollars per day and mileage and expense reimbursement as provided for in sections 44-08-04 and 54-06-09. A state employee who is a member of the commission must receive that employee's regular salary and is entitled to mileage and expense reimbursement as provided for in sections 44-08-04 and 54-06-09, to be paid by the employing agency.