

Introduced by

1 A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 23-07-07.5 and
2 section 23-07.7-01 of the North Dakota Century Code, relating to sexual offenses; and to repeal
3 sections 12.1-20-09 and 12.1-20-10 of the North Dakota Century Code, relating to adultery and
4 unlawful cohabitation.

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

6 **SECTION 1. AMENDMENT.** Subdivision b of subsection 1 of section 23-07-07.5 of the
7 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8 b. Every individual, whether imprisoned or not, who is convicted of a sexual
9 offense under chapter 12.1-20, except for those convicted of violating sections
10 ~~12.1-20-10~~, 12.1-20-12.1, and 12.1-20-13; and

11 **SECTION 2. AMENDMENT.** Section 23-07.7-01 of the 1999 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **23-07.7-01. Court-ordered sexual offense medical testing.** The court may order any
14 defendant charged with a sex offense under chapter 12.1-20 and any alleged juvenile offender
15 with respect to whom a petition has been filed in a juvenile court alleging violation of chapter
16 12.1-20 to undergo medical testing to determine whether the defendant or alleged juvenile
17 offender has any sexually transmitted diseases, including a test for infection with the human
18 immunodeficiency virus or any other identified positive agent of acquired immunodeficiency
19 syndrome. The court may not order a defendant charged with violating section ~~12.1-20-10~~,
20 12.1-20-12.1, or 12.1-20-13 or an alleged juvenile offender with respect to when a petition has
21 been filed in a juvenile court alleging violation of section ~~12.1-20-10~~, 12.1-20-12.1, or
22 12.1-20-13 to undergo the testing authorized by this section. The court may order the testing
23 only if the court receives a petition from the alleged victim of the offense or from the prosecuting
24 attorney if the alleged victim has made a written request to the prosecuting attorney to petition

1 the court for an order authorized under this section. On receipt of a petition, the court shall
2 determine, without a hearing, if probable cause exists to believe that a possible transfer of a
3 sexually transmitted disease or human immunodeficiency virus took place between the
4 defendant or alleged juvenile offender and the alleged victim. If the court determines probable
5 cause exists, the court shall order the defendant or alleged juvenile offender to submit to testing
6 and that a copy of the test results be released to the defendant's or alleged juvenile offender's
7 physician and each requesting victim's physician. The physicians for the defendant or alleged
8 juvenile offender and requesting victim must be specifically named in the court order, and the
9 court order must be served on the physicians before any test.

10 **SECTION 3. REPEAL.** Sections 12.1-20-09 and 12.1-20-10 of the North Dakota
11 Century Code are repealed.