

**HOUSE BILL NO. 1480**

Introduced by

Representatives DeKrey, Grande, Delmore, Mahoney

Senators Traynor, Lyson

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact subsections 1, 2, 3, and 8 of section 12.1-32-15 of the  
2 North Dakota Century Code, relating to registration requirements for sexual offenders and  
3 offenders against children; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsections 1, 2, 3, and 8 of section 12.1-32-15 of the  
6 2001 Supplement to the North Dakota Century Code are amended and reenacted as follows:

7 1. As used in this section:

8 a. "A crime against a child" means a violation of chapter 12.1-16, ~~42.1-17,~~  
9 ~~42.1-18,~~ section 12.1-17-01.1 if the victim is under the age of twelve,  
10 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1,  
11 section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or subdivision a  
12 of subsection 1 or subsection 2 of section 14-09-22, or an equivalent  
13 ordinance, in which the victim is a minor or is otherwise of the age required for  
14 the act to be a crime or an attempt to commit these offenses.

15 b. "Department" means the department of corrections and rehabilitation.

16 c. "Mental abnormality" means a congenital or acquired condition of an  
17 individual that affects the emotional or volitional capacity of the individual in a  
18 manner that predisposes that individual to the commission of criminal sexual  
19 acts to a degree that makes the individual a menace to the health and safety  
20 of other individuals.

21 d. "Predatory" means an act directed at a stranger or at an individual with whom  
22 a relationship has been established or promoted for the primary purpose of  
23 victimization.

- 1 e. "Sexual offender" means a person who has pled guilty to or been found guilty  
2 of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05,  
3 12.1-20-05.1, 12.1-20-06, 12.1-20-07 except for subdivision a, 12.1-20-11,  
4 12.1-20-12.1, or 12.1-20-12.2, chapter 12.1-27.2, or subsection 2 of section  
5 12.1-22-03.1, or an equivalent ordinance, or an attempt to commit these  
6 offenses.
- 7 f. "Sexually dangerous individual" means an individual who meets the definition  
8 specified in section 25-03.3-01.
- 9 g. "Temporarily domiciled" means staying or being physically present in this  
10 state for more than thirty days in a calendar year or at a location for longer  
11 than ten consecutive days, attending school for longer than ten days, or  
12 maintaining employment in the jurisdiction for longer than ten days, regardless  
13 of the state of the residence.
- 14 2. The court shall impose, in addition to any penalty provided by law, a requirement  
15 that the individual register, within ten days of coming into a county in which the  
16 individual resides or is temporarily domiciled. The individual must register with the  
17 chief of police of the city or the sheriff of the county if the individual resides, attends  
18 school, or is employed in an area other than a city. The court shall require an  
19 individual to register by stating this requirement on the court records, if that  
20 individual:
- 21 a. Has pled guilty or nolo contendere to, or been found guilty as a felonious  
22 sexual offender or an attempted felonious sexual offender, including juvenile  
23 delinquent adjudications of equivalent offenses unless the offense is listed in  
24 subdivision c.
- 25 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual  
26 offender for, a misdemeanor or attempted misdemeanor. The court may  
27 deviate from requiring an individual to register if the court first finds the  
28 individual is no more than three years older than the victim if the victim is a  
29 minor, the individual has not previously been convicted as a sexual offender  
30 or of a ~~felony~~ crime against a child, and the individual did not exhibit mental  
31 abnormality or predatory conduct in the commission of the offense.

- 1           c.    Is a juvenile found delinquent under subdivision d of subsection 1 of section  
2                    12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a  
3                    sexual offender for a misdemeanor. The court may deviate from requiring the  
4                    juvenile to register if the court first finds the juvenile has not previously been  
5                    convicted as a sexual offender or for a ~~felony~~ crime against a child, and the  
6                    juvenile did not exhibit mental abnormality or predatory conduct in the  
7                    commission of the offense.
- 8           d.    Has pled guilty or nolo contendere to, or been found guilty of, a ~~felony~~ crime  
9                    against a child or an attempted ~~felony~~ crime against a child, including juvenile  
10                   delinquent adjudications of equivalent offenses. Except if the offense is  
11                   described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the  
12                   person is not the parent of the victim, the court may deviate from requiring an  
13                   individual to register if the court first finds the individual has not previously  
14                   been convicted as a sexual offender or for a ~~felony~~ crime against a child, and  
15                   the individual did not exhibit mental abnormality or predatory conduct in the  
16                   commission of the offense.
- 17           e.    Has pled guilty or nolo contendere, been found guilty, or been adjudicated  
18                   delinquent of any crime against another individual which is not otherwise  
19                   specified in this section if the court finds the individual demonstrated mental  
20                   abnormality or sexual predatory conduct in the commission of the offense and  
21                   therefore orders registration for the individual. If the court orders an individual  
22                   to register as an offender under this section, the individual shall comply with  
23                   all of the registration requirements in this chapter.
- 24           3.    If a court has not ordered an individual to register in this state, ~~the~~ an individual  
25                   who resides or is temporarily domiciled in this state shall register if the individual:  
26                   a.    Is incarcerated or is on probation or parole after July 31, 1995, for a crime  
27                   against a child described in section 12.1-29-02, or section 12.1-18-01 or  
28                   12.1-18-02 if the individual was not the parent of the victim, or as a sexual  
29                   offender;
- 30                   b.    Has pled guilty or nolo contendere to, or been found guilty of, an offense in a  
31                   court of this state for which registration is mandatory under this section or

- 1 another state or the federal government equivalent to those offenses set forth  
2 in this section if the individual was ordered by a court or required to register as  
3 a sexual offender, or for a crime against a child in another state or by the  
4 federal government; or
- 5 c. Has pled guilty or nolo contendere to, or has been found guilty of, a ~~felonious~~  
6 crime against a child or as a sexual offender for which registration is  
7 mandatory under this section if the conviction occurred after July 31, 1985.
- 8 8. An individual required to register under this section shall comply with the  
9 registration requirement for the longer of the following periods:
- 10 a. A period of ten years after the date of sentence or order deferring or  
11 suspending sentence upon a plea or finding of guilt or after release from  
12 incarceration, whichever is later; or
- 13 b. For the life of the individual, if that individual:
- 14 (1) On two or more occasions has pled guilty or nolo contendere to, or  
15 been found guilty of, ~~an offense in which that individual was ordered by~~  
16 ~~a court or otherwise required to register~~ a crime against a child or as a  
17 ~~felonious sexual offender or felonious offender against a child under~~  
18 ~~this section,~~ or an equivalent offense of another state or the federal  
19 government. If all qualifying offenses are misdemeanors, this lifetime  
20 provision does not apply unless a qualifying offense was committed  
21 after August 1, 1999;
- 22 (2) Pleads guilty or nolo contendere to, or is found guilty of, an offense  
23 committed after August 1, 1999, which is described in subdivision a of  
24 subsection 1 of section 12.1-20-03, section 12.1-20-03.1, or  
25 subdivision d of subsection 1 of section 12.1-20-03 if the person is an  
26 adult and the victim is under age twelve, or section 12.1-18-01 if that  
27 individual is an adult other than a parent of the victim, or an equivalent  
28 offense of another state or the federal government; or
- 29 (3) Has been civilly committed as a sexually dangerous individual under  
30 chapter 25-03.3, under the laws of another state, or by the federal  
31 government.

1           **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2002.