

SENATE BILL NO. 2071

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-31-01.2 and subsection 5
2 of section 12.1-31.2-01 of the North Dakota Century Code, relating to restraining orders.

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

4 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-31-01.2 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 6. The court may grant a sexual assault restraining order prohibiting the respondent from
7 contacting, harassing, stalking, or threatening the applicant, and from appearing at the
8 applicant's residence, school, and place of employment if:

9 a. An individual files a petition under subsection 3;

10 b. The sheriff serves the respondent with a copy of the temporary restraining order
11 issued under subsections 4 and 5, and with notice of the time and place of the
12 hearing;

13 c. The court sets a hearing for not later than fourteen days after issuance of the
14 temporary restraining order ~~unless the time period is extended upon written~~
15 ~~consent of the parties, or upon a showing the respondent has not been served~~
16 ~~with a copy of the temporary restraining order despite the exercise of due~~
17 ~~diligence or at a later date if good cause is shown~~; and

18 d. The court finds after the hearing there are reasonable grounds to believe the
19 respondent committed sexual assault.

20 **SECTION 2. AMENDMENT.** Subsection 5 of section 12.1-31.2-01 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 5. The court may grant a disorderly conduct restraining order ordering the respondent to
23 cease or avoid the disorderly conduct or to have no contact with the applicant if:

24 a. A person files a petition under subsection 3;

- 1 b. The sheriff serves the respondent with a copy of the temporary restraining order
2 issued under subsection 4 and with notice of the time and place of the hearing;
- 3 c. The court sets a hearing for not later than fourteen days after issuance of the
4 temporary restraining order ~~unless the time period is extended upon written~~
5 ~~consent of the parties, or upon a showing that the respondent has not been~~
6 ~~served with a copy of the temporary restraining order despite the exercise of due~~
7 ~~diligence~~ or at a later date if good cause is shown; and
- 8 d. The court finds after the hearing that there are reasonable grounds to believe that
9 the respondent has engaged in disorderly conduct. If a person claims to have
10 been engaged in a constitutionally protected activity, the court shall determine the
11 validity of the claim as a matter of law and, if found valid, shall exclude evidence
12 of the activity.