

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of a sexual ~~assault~~ offense.

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

4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual ~~assault~~ offense - Victim protection.**

7 1. As used in this section:

8 a. "~~Convicted~~ Responsible student" means a student enrolled in a school who is ~~an~~
9 ~~adjudicated juvenile adjudicated delinquent~~ or an adult convicted of committing a
10 sexual ~~assault~~ offense upon another student enrolled in the same school.

11 b. "Sexual ~~assault~~ offense" means a ~~nonconsensual~~ an offense under chapter
12 12.1-20 for which "sexual act" or "sexual contact", as defined in section
13 12.1-20-02, is an element and the offenses under sections 12.1-20-05,
14 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

15 2. A ~~convicted~~ responsible student enrolled in the same school as the victim of sexual
16 ~~assault~~ shall adhere to a safety plan developed by the school district providing
17 for which may include:

18 a. Consideration of the victim's input.

19 b. No contact with ~~between the responsible student and the victim; and~~

20 ~~b. Proper separation in school buildings and educational activities.~~

- 1 ~~3. A school shall develop a safety plan for a convicted student that includes:~~
- 2 ~~a.c. Holding an expulsion hearing for a convicted~~ the responsible student that which
- 3 grants procedural due process to the responsible student as provided by law and
- 4 within the time period prescribed under section 15.1-19-09;. For a misdemeanor
- 5 offense, before holding an expulsion hearing, school administration shall review
- 6 the offense to determine whether an expulsion hearing is warranted.
- 7 ~~b.d. Transferring a convicted~~ responsible student to an alternative education program,
- 8 which may include virtual education; if the responsible student is properly
- 9 supervised.
- 10 ~~e.e. Transferring a convicted~~ responsible student to another school or building within
- 11 the school district; or.
- 12 ~~e.f. Separating the convicted~~ responsible student from the victim at all times in school
- 13 buildings and educational activities when, if transferring the convicted student is
- 14 not possible;.
- 15 g. Scheduled reviews of the safety plan to assess necessary adjustments and
- 16 ensure continued safety of the victim.
- 17 h. Other measures school administration deems appropriate to ensure the safety of
- 18 the victim.
- 19 ~~4.3. The school shall determine the duration of a separation resulting from the safety plan~~
- 20 ~~based on:~~
- 21 a. The victim's input and well-being;
- 22 b. The responsible student's age at the time of adjudication or conviction;
- 23 c. The nature and severity of the offense;
- 24 d. The responsible student's compliance with recommended intervention programs;
- 25 e. The input of the victim or responsible student's legal guardian or custodian, child
- 26 welfare and mental health professionals, and legal representatives; and
- 27 f. Other factors school administration deems appropriate.
- 28 ~~4. A victim or the victim's legal guardian or custodian may request a review of the safety~~
- 29 ~~plan, including modification or removal of restrictions.~~
- 30 ~~5. Upon adjudication or conviction of a convicted~~ responsible student, the juvenile court in
- 31 a juvenile case or the state's attorney in an adult case shall provide the superintendent

1 or designee of the school district in which the convicted responsible student is enrolled
2 with notice of the court's findings that are relevant a copy of the order of disposition or
3 judgment and, upon consent of the victim, the victim's name. A record provided under
4 this section is confidential under section 27-20.2-21.