

**PROPOSED AMENDMENTS TO**

Introduced by

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1231**

Representatives Dockter, O'Brien, M. Ruby, Weisz

1 A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code,  
2 relating to a petition for relief from requiring a Low-Risk sexual offender to register; and to provide  
3 for application.

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

5 **SECTION 1.** Section 12.1-32-15.1 of the North Dakota Century Code is created and  
6 enacted as follows:

7 **12.1-32-15.1. Petition for relief from registration requirement.**

- 8 1. As used in this section, "sexual offender" has the same meaning provided in section  
9 12.1-32-15.
- 10 2. After seven years of registration, a sexual offender assigned a low-risk level by the  
11 North Dakota Office of the Attorney General attorney general may petition the Sex  
12 Offender Risk Assessment Committee the sentencing court or the district court for the  
13 district in which the offender resides for an order finding relieving the offender of the  
duty to register in North Dakota.
- 14 3. The petition must be submitted to the North Dakota Bureau of Criminal Investigation to  
15 be provided to the Sex Offender Risk Assessment Committee for review and  
16 consideration. The petition must be submitted for a sex offense conviction within North  
17 Dakota, from another court in the United States, a tribal court, or a court of another  
18 country. must be served on the state's attorney in the county in which the petition  
19 is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the  
20 petition to the victim of the last offense for which the sexual offender was convicted if

~~the victim's address is reasonably available. The court shall consider any written or-~~  
~~oral statements of the victim.~~ The ~~court~~ Sex Offender Risk Assessment Committee may

grant the petition on finding that:

a. The sexual offender has maintained a clean record during the offender's period of registration; and

b. Continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

c. The sexual offender must be registered in North Dakota as a Low-Risk offender for a minimum of 12 consecutive months before beginning a petition for relief off the registry; and

d. The Sex Offender Risk Assessment Committee has reviewed the petition for early relief from sex offender registration and has approved it.

e. The sexual offender has been reassessed by the Sex Offender Risk Assessment Committee within three months of filing the petition and is still classified as a low-risk offender.

4. A finding that the sexual offender has maintained a clean record means during the period the sexual offender was required to register as a sexual offender, the offender:

a. Was not convicted of a felony offense;

b. Was not convicted of a sexual offense;

c. Successfully completed, without revocation, a period of supervised release, probation, or parole; and

d. Has successfully completed any court-ordered sexual offender treatment program and any other court-ordered treatment program, if any. This subdivision applies to any sexual offender treatment program completed regardless of whether the program was completed while the sexual offender was incarcerated, released, on parole, or on probation. The burden is on the sexual offender to prove the offender completed this treatment.

5. If a Low-Risk sex offender is denied relief from the SORAC and meets the requirements of a clean record as outlined in (4), the sex offender may re-apply after 2 years.

**SECTION 2. APPLICATION.** This Act applies to a sexual offender who has complied with the registration requirements under section 12.1-32-15 for at least seven years before the effective date of this Act or who reaches seven years of compliance after the effective date of this Act. The effective date of this Act is August 1<sup>st</sup>, 2025.