

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1489

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

1 A BILL for an Act to create and enact a new section to chapter 14-07 and chapter 14-07.7 of the
2 North Dakota Century Code, relating to disclosure of domestic violence protection orders and
3 sexual assault restraining orders to law enforcement, and civil protection orders; to amend and
4 reenact sections 11-15-32 and 12-60-23, subsection 2 of section 12.1-17-13, section 14-05-23,
5 subsection 4 of section 14-07.1-01, sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of
6 section 14-07.1-14, section 14-07.1-19, subdivision a of subsection 1 of section 14-07.6-01,
7 subdivision b of subsection 1 of section 15.1-09-33.4, sections 16.1-02-07 and 29-01-15,
8 subdivision g of subsection 1 of section 29-06-15, and subdivision a of subsection 2 of section
9 47-16-17.1 of the North Dakota Century Code, relating to restraining orders and protection
10 orders; to repeal sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1,
11 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North
12 Dakota Century Code, relating to sexual assault restraining orders and domestic violence
13 protection orders; to provide a penalty; and to provide an effective date.

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

15 **SECTION 1. AMENDMENT.** Section 11-15-32 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **11-15-32. Issuance of civil protection and ~~restraining~~ orders - Duty of sheriff.**

18 The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~
19 restraining civil protection order issued against an individual in the sheriff's county ~~pursuant to~~
20 section 12.1-31.2-01 under chapter 14-07.7 within twenty-four hours of issuance. The notice

1 must include any information required by the bureau of criminal investigation. The law
2 enforcement agency shall enter the order into any information system available in the state that
3 is used to list outstanding warrants for a period of one year or until the date of expiration or
4 termination as specified in the order. The order is enforceable in any jurisdiction in this state.

5 **SECTION 2. AMENDMENT.** Section 12-60-23 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
8 **and restraining orders.**

9 The bureau shall maintain a registry of all orders of which it receives notice under sections
10 11-15-32, and 12.1-31.2-02, ~~14-07.1-02,~~ and ~~14-07.1-03~~ chapter 14-07.7.

11 **SECTION 3. AMENDMENT.** Subsection 2 of section 12.1-17-13 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,
14 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02,
15 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01,~~ 12.1-31.2-02, or
16 ~~14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a
17 domestic violence offender assessment and intervention program as determined by
18 the court. A court may not order the offender to attend anger management classes or
19 individual counseling unless a domestic violence offender intervention program is not
20 reasonably available to the defendant and the court makes findings for the record
21 explaining why an order to complete a domestic violence offender intervention
22 program would be inappropriate.

23 **SECTION 4. AMENDMENT.** Section 14-05-23 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **14-05-23. Temporary support, attorney's fees, and parental rights and**
26 **responsibilities.**

27 During any time in which an action for separation or divorce is pending, the court, upon
28 application of a party, may issue an order requiring a party to pay such support as may be
29 necessary for the support of a party and minor children of the parties and for the payment of
30 attorney's fees. The court in the order may make an order concerning parental rights and
31 responsibilities concerning the children of the parties. The order may be issued and served in

1 accordance with the North Dakota Rules of Court. The court may include in the order a
2 provision for domestic violence protection provided the party has submitted a verified
3 ~~application~~petition for the order which is sufficient to meet the criteria defined in subsection 2 of
4 section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties
5 established in section ~~14-07.1-06~~14-07.7-17 and the arrest procedures authorized in section
6 ~~14-07.4-11~~14-07.7-18.

7 **SECTION 5.** A new section to chapter 14-07 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Disclosure of court records to law enforcement.**

10 A court record maintained in relation to a matter involving a domestic violence protection
11 order or sexual assault restraining order under chapter 14-07.7 is open to inspection by a law
12 enforcement officer.

13 **SECTION 6. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 4. "Family or household member" means a spouse, family member, former spouse,
16 parent, child, ~~persons~~individuals related by blood or marriage, ~~persons~~individuals who
17 are in a dating relationship, ~~persons~~individuals who are presently residing together or
18 who have resided together in the past, ~~persons~~and individuals who have a child in
19 common regardless of whether they are or have been married or have lived together
20 at any time, ~~and, for the purpose of the issuance of a domestic violence protection~~
21 ~~order, any other person with a sufficient relationship to the abusing person as~~
22 ~~determined by the court under section 14-07.1-02.~~

23 **SECTION 7. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **14-07.1-02.1. Allegation of domestic violence - Effect.**

26 If the court finds that a party's allegation of domestic violence in a ~~domestic violence~~civil
27 protection order proceeding, divorce proceeding, ~~child custody~~parenting responsibility
28 proceeding, ~~child visitation~~parenting time proceeding, separation proceeding, or termination of
29 parental rights proceeding is false and not made in good faith, the court shall order the party
30 making the false allegation to pay court costs and reasonable attorney's fees incurred by the
31 other party in responding to the allegation.

1 **SECTION 8. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **14-07.1-11. Arrest without warrant.**

4 1. ~~A law enforcement officer shall arrest a person without a warrant if the person has~~
5 ~~committed the offense of violating a protection order under section 14-07.1-06,~~
6 ~~whether or not the violation was committed in the presence of the officer.~~

7 2. A law enforcement officer may arrest a personan individual without a warrant if the
8 arrest is made within twelve hours from the time the officer determines there is
9 probable cause to arrest for an assault of a family or household member as defined in
10 section 14-07.1-01, whether or not the assault took place in the presence of the officer.
11 After twelve hours has elapsed, the officer ~~must~~shall secure an arrest warrant before
12 making an arrest. A law enforcement officer may not arrest a personan individual
13 pursuant to this subsection without first observing that there has been recent physical
14 injury to, or impairment of physical condition of, the alleged victim. This subsection
15 does not apply to an arrest made by a law enforcement officer in accordance with
16 section 14-07.7-18.

17 ~~3-2.~~ A law enforcement officer may not be held criminally or civilly liable for making an
18 arrest ~~pursuant to~~under this section if the officer acts in good faith on probable cause
19 and without malice.

20 **SECTION 9. AMENDMENT.** Subsection 1 of section 14-07.1-14 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 1. Every law enforcement agency shall develop and implement, with assistance from the
23 criminal justice training and statistics division, specific operational guidelines for arrest
24 policies and procedures in crimes involving domestic violence. The guidelines must
25 include procedures for the conduct of criminal investigations, procedures for arrests
26 and victim assistance by law enforcement officers, procedures concerning the
27 provision of services to victims, and any additional procedures as may be necessary to
28 carry out sections ~~14-07.1-02~~14-07.1-08.1 through 14-07.1-14 and chapter 14-07.7.

29 **SECTION 10. AMENDMENT.** Section 14-07.1-19 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **14-07.1-19. Release conditions.**

2 If an individual charged with or arrested for a crime involving domestic violence, including a
3 violation of a ~~domestic violence~~civil protection order under section ~~14-07.1-03~~chapter 14-07.7 or
4 an order prohibiting contact under section ~~14-07.1-13~~12.1-31.2-02, is released from custody, a
5 district or municipal court may require that electronic home detention or global positioning
6 system monitoring be used for the individual as a condition of release.

7 **SECTION 11. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the
8 North Dakota Century Code is amended and reenacted as follows:

9 a. The parties have or had an intimate partner relationship or any other
10 person/individual with a sufficient relationship to the abusing person/individual as
11 determined by the court under section ~~14-07.1-02~~14-07.7-07;

12 **SECTION 12.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted
13 as follows:

14 **14-07.7-01. Definitions.**

15 For purposes of this chapter:

16 1. a. "Civil protection order" means a protection order that prohibits the restrained
17 individual from:

18 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,
19 touching, stalking, sexually assaulting, or abusing any protected individual;

20 (2) Entering or remaining on premises;

21 (3) Coming within a specified distance of the protected individual or premises;
22 or

23 (4) Any other action necessary to protect the protected individual from imminent
24 danger to life or health.

25 b. A civil protection order may be a:

26 (1) Disorderly conduct restraining order;

27 (2) Domestic violence protection order; or

28 (3) Sexual assault restraining order.

29 2. "Contact" means any interaction or communication with another individual, directly or
30 indirectly, including electronic, digital, and social media communication.

- 1 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to
2 adversely affect the safety, security, or privacy of another individual. Disorderly
3 conduct includes human trafficking and attempted human trafficking as defined in
4 title 12.1. Disorderly conduct does not include constitutionally protected activity.
5 4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity
6 compelled by physical force, assault, or the infliction of fear of imminent physical harm,
7 bodily injury, sexual activity compelled by physical force, or assault, not committed in
8 self-defense, on the complaining family or household member.
9 5. "Family or household member" means a spouse, family member, former spouse,
10 parent, child, individual related by blood or marriage, individuals in a dating
11 relationship, individuals residing together or who have resided together in the past,
12 individuals with a child in common regardless of relationship status and, for the
13 purpose of the issuance of a civil protection order, any other individual with a sufficient
14 relationship to the abusing individual as determined by the court under section
15 14-07.7-07.
16 6. "Protected individual" means the individual identified in a civil protection order issued
17 under this chapter as the individual for whose benefit the civil protection order was
18 issued.
19 7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which
20 sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
21 8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and
22 disorderly conduct include stalking.

23 **14-07.7-02. Petition for civil protection order.**

- 24 1. An individual who is or has been a victim of disorderly conduct, domestic violence, or
25 sexual assault may file a petition for a civil protection order against:
26 a. A family or household member who commits an act of domestic violence; or
27 b. An individual who has committed disorderly conduct or sexual assault.
28 2. The petition must identify which type of civil protection order is sought.
29 3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian
30 ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney
31 guardian ad litem of the minor is the petitioner and the minor is the protected

- 1 individual. A minor of sufficient and competent age may petition for a civil protection
2 order on their own behalf.
- 3 4. If the respondent is a minor, the parent or guardian must be notified of the petition and
4 any subsequent order.
- 5 5. The petition must allege facts sufficient to show:
- 6 a. The name of the alleged victim;
7 b. The name of the respondent engaging in the alleged conduct; and
8 c. The respondent engaged in the alleged conduct.
- 9 6. The petition must contain:
- 10 a. A declaration stating the specific facts and circumstances supporting the relief
11 sought; and
- 12 b. A statement listing each civil or criminal action involving both parties.
- 13 7. A petition may be against only one respondent. Dual protection orders in a single
14 action are prohibited.
- 15 8. A petition may be brought under this chapter without regard to the commencement of
16 an action for legal separation, annulment, divorce, or parenting rights and
17 responsibilities.
- 18 9. A filing fee may not be charged for a civil protection order petition.
- 19 **14-07.7-03. Civil protection order - General provisions - Confidentiality.**
- 20 1. A civil protection order must contain a conspicuous notice to the respondent providing:
- 21 a. The specific conduct that constitutes a violation;
22 b. The penalties for violation of the order; and
23 c. A peace officer may arrest the respondent without a warrant and take the
24 respondent into custody if the peace officer has probable cause to believe the
25 respondent violated the order.
- 26 2. The court may amend an order following a motion filed by either party.
- 27 3. An order entered under this chapter expires on the expiration date provided in the
28 order at eleven fifty-nine p.m. central standard time.
- 29 4. No order under this chapter affects title to real property.
- 30 5. The name of a protected individual is confidential and must be redacted from a record
31 accessible to the public.

1 6. A hearing on a petition filed under this chapter is closed to the public. The court shall
2 allow to be present the parties, the parties' attorneys, the state's attorney, a domestic
3 violence sexual assault advocate certified under the North Dakota Supreme Court
4 Administrative Rules, and any witness and protected party. The court may allow any
5 other individual the court determines has a proper interest in the hearing to be present.

6 **14-07.7-04. Temporary disorderly conduct restraining order.**

7 1. If the petition for relief alleges reasonable grounds that a respondent engaged in
8 disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly
9 conduct restraining order ordering the respondent to cease the disorderly conduct or
10 contact with the protected individual.

11 2. A temporary restraining order may be entered:

- 12 a. Against the respondent named in the petition; and
13 b. Without notice to the respondent.

14 3. Unless otherwise terminated by the court, the temporary restraining order is in effect
15 until an order issued under section 14-07.7-05 is served.

16 **14-07.7-05. Disorderly conduct restraining order.**

17 1. The court may grant a disorderly conduct restraining order ordering the respondent to
18 cease the disorderly conduct or contact with the protected individual if:

- 19 a. The petitioner files a petition under section 14-07.7-02;
20 b. The sheriff serves the respondent with a copy of the temporary restraining order
21 issued under section 14-07.7-04 and with notice of the time and place of the
22 hearing;
23 c. The court sets a hearing for no later than fourteen days after issuance of the
24 temporary restraining order, or a later date if good cause is shown; and
25 d. After the hearing, the court finds reasonable grounds exist to believe the
26 respondent engaged in disorderly conduct.

27 2. If a respondent claims to have engaged in constitutionally protected activity, the court
28 shall determine the validity of the claim as a matter of law and, if found valid, shall
29 exclude evidence of the activity.

30 3. Relief granted by the restraining order may not exceed two years.

1 **14-07.7-06. Temporary domestic violence protection order.**

2 1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in
3 domestic violence, the court, pending a full hearing, may grant a temporary domestic
4 violence protection order that may include provisions:

5 a. Restraining the respondent from having contact with or committing acts of
6 domestic violence on another individual.

7 b. Excluding the respondent from the residence of another individual or from a place
8 necessary to ensure the safety of the protected individual.

9 c. Awarding temporary primary residential responsibility or establishing temporary
10 parenting time with regard to minor children.

11 d. Requiring the respondent to surrender for safekeeping any firearm or other
12 specified dangerous weapon, as defined in section 12.1-01-04, which is in the
13 respondent's possession, custody, or control, if the court has probable cause to
14 believe the respondent is likely to use, display, or threaten to use the firearm or
15 other dangerous weapon in further acts of violence.

16 2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall
17 surrender the firearm or dangerous weapon within twenty-four hours of being served
18 or upon the request of a law enforcement officer, whichever is sooner, to:

19 a. The sheriff, or the sheriff's designee, of the county in which the respondent
20 resides; or

21 b. The chief of police, or the chief's designee, of the city in which the respondent
22 resides.

23 3. If the respondent is ordered to surrender a firearm or other dangerous weapon and
24 fails to do so within twenty-four hours, a law enforcement officer may arrest the
25 respondent in accordance with section 14-07.7-18 and take possession of the firearm
26 or dangerous weapon.

27 4. A temporary domestic violence protection order may be entered only against the
28 respondent named in the petition.

29 5. The court may issue a temporary domestic violence protection order without giving
30 notice to the respondent.

1 6. Unless otherwise terminated by the court, the temporary domestic violence protection
2 order is in effect until a protection order issued under section 14-07.7-07 is served.

3 **14-07.7-07. Domestic violence protection order.**

4 1. The court may enter a domestic violence protection order if:

5 a. The petitioner files a petition under section 14-07.7-02;

6 b. The sheriff serves the respondent with a copy of the temporary domestic violence
7 protection order issued under section 14-07.7-06 and with notice of the time and
8 place of the hearing;

9 c. The court sets a hearing for no later than fourteen days after issuance of the
10 temporary domestic violence protection order or at a later date if good cause is
11 shown; and

12 d. The court finds after the hearing that:

13 (1) The relationship between the respondent and protected individual is
14 sufficient to warrant protection; and

15 (2) There was a showing of actual or imminent domestic violence.

16 2. The relief provided in the domestic violence protection order may include:

17 a. Restraining any party from threatening, molesting, injuring, harassing, or having
18 contact with any other individual.

19 b. Excluding the respondent from the residence of another individual or from a place
20 necessary to ensure the safety of the protected individual.

21 c. Awarding temporary primary residential responsibility or establishing temporary
22 parenting time with regard to minor children.

23 d. Recommending or requiring that the respondent complete a domestic violence
24 offender assessment and attend a domestic violence intervention program as
25 determined appropriate by the court. The court may request a report from the
26 designated program within a time period established by the court. The costs of
27 the court-ordered assessment and subsequent reports must be borne by the
28 respondent or, if indigent, by the respondent's county of residence.

29 e. Requiring a party to pay any support necessary for the support of a party and any
30 minor children of the parties and reasonable attorney's fees and costs.

1 f. Awarding temporary use of personal property, including motor vehicles, to either
2 party.
3 g. Requiring the respondent to surrender for safekeeping any firearm or other
4 specified dangerous weapon, as defined in section 12.1-01-04, in the
5 respondent's possession, custody, or control, if the court has probable cause to
6 believe the respondent is likely to use, display, or threaten to use the firearm or
7 other dangerous weapon in further acts of violence. If ordered to surrender a
8 firearm or other dangerous weapon, the respondent shall surrender the firearm or
9 dangerous weapon within twenty-four hours of being served or upon the request
10 of a law enforcement officer, whichever is sooner, to:

11 (1) The sheriff, or the sheriff's designee, of the county in which the respondent
12 resides; or

13 (2) The chief of police, or the chief's designee, of the city in which the
14 respondent resides.

15 3. If the respondent is ordered to surrender a firearm or other dangerous weapon and
16 fails to do so within twenty-four hours, a law enforcement officer may arrest the
17 respondent in accordance with section 14-07.7-18 and take possession of the firearm
18 or dangerous weapon.

19 **14-07.7-08. Temporary sexual assault restraining order.**

20 1. If the petition for relief alleges reasonable grounds to believe an individual has
21 committed sexual assault, the court, pending a full hearing, may grant a temporary
22 sexual assault restraining order.

23 2. A temporary restraining order may be entered only against the individual named in the
24 petition. The order must include provisions prohibiting the individual from:

25 a. Harassing, stalking, or threatening the protected individual;

26 b. Appearing at the residence, school, and place of employment of the protected
27 individual; and

28 c. Contacting the protected individual.

29 **14-07.7-09. Sexual assault restraining order.**

30 1. The court may grant a sexual assault restraining order if:

31 a. The petitioner files a petition under section 14-07.7-02;

- 1 **b.** The sheriff serves the respondent with a copy of the temporary sexual assault
2 restraining order issued under section 14-07.7-08 and with notice of the time and
3 place of the hearing;
- 4 **c.** The court sets a hearing for no later than fourteen days after issuance of the
5 temporary sexual assault restraining order or a later date if good cause is shown;
6 and
- 7 **d.** The court finds after the hearing there are reasonable grounds to believe the
8 respondent committed sexual assault.
- 9 **2.** The order must include provisions prohibiting the respondent from:
- 10 **a.** Harassing, stalking, or threatening the protected individual;
11 **b.** Appearing at the residence, school, and place of employment of the protected
12 individual; and
13 **c.** Contacting the protected individual.
- 14 **3.** The relief granted by the sexual assault restraining order may not exceed two years.

15 **14-07.7-10. Assistance of state's attorney or domestic violence sexual assault**
16 **advocate.**

- 17 **1.** Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a
18 state's attorney staff member may assist an individual in preparation of documents
19 necessary to secure a civil protection order under this section.
- 20 **2.** Notwithstanding section 27-11-01, a domestic violence sexual assault advocate
21 certified under rules of the supreme court may assist an individual in preparation of
22 documents necessary to secure a civil protection order under this chapter and may sit
23 with the petitioner during court proceedings.

24 **14-07.7-11. Notification of stalking law.**

25 When an order is issued under this chapter, the order must include or have attached to it a
26 copy of section 12.1-17-07.

27 **14-07.7-12. Service.**

- 28 **1.** When a protection order is issued, extended, modified, or terminated under this
29 chapter, the court shall transmit a copy of the order to the sheriff of the county in which
30 the respondent resides for service on the respondent.

1 2. If the respondent cannot be served, the order may be served on the respondent by
2 publication under rule 4 of the North Dakota Rules of Civil Procedure.

3 3. Service must be made on the respondent at least five days before the hearing. If
4 service cannot be made or if additional time is required to complete service by
5 publication, the court may set a new date for the hearing.

6 4. No service fee may be charged to the petitioner.

7 **14-07.7-13. Right to apply for relief.**

8 An individual's right to apply for relief under this chapter is not affected if the individual
9 leaves the residence or dwelling to avoid domestic violence. The court may not require security
10 or bond from any party unless the court deems it necessary in exceptional cases.

11 **14-07.7-14. Appointment of guardian ad litem of minor.**

12 1. The court, upon the request of either party or upon its own motion, may appoint an
13 attorney guardian ad litem in an action for a civil protection order to represent a minor
14 if either party or the court has reason for special concern for the immediate future of
15 the minor.

16 2. A guardian ad litem may be appointed at the time of a temporary civil protection order
17 or any time before the full hearing.

18 3. The role of the guardian ad litem consists of investigation and making a
19 recommendation and report to the court. At no time may the involvement of the
20 guardian ad litem alter the requirements set forth in section 14-07.7-02.

21 4. Appointment of the guardian ad litem expires immediately after the full hearing unless
22 the court retains the right, upon specific finding of need, to continue the appointment
23 of a guardian ad litem to represent a minor in matters concerning parenting time.

24 5. The guardian ad litem shall have access to records before the court, except as
25 otherwise provided by law.

26 6. The court may direct either or both parties to pay the guardian ad litem fees
27 established by the court. If neither party is able to pay the fees, the court, after notice
28 to the state's attorney of the county of venue, may direct the fees to be paid, in whole
29 or in part, by the county of venue. The court may direct either or both parties to
30 reimburse the county, in whole or in part, for the payment.

1 **14-07.7-15. Nonexclusive remedy.**

2 Any proceeding under this chapter may be in addition to other civil or criminal remedies.

3 **14-07.7-16. Transmittal to bureau of criminal investigation.**

4 1. When a protection order is issued, extended, modified, or terminated under this
5 chapter, the court shall transmit the order electronically to the bureau of criminal
6 investigation.

7 2. The bureau shall enter the order electronically in the national crime information center
8 database provided by the federal bureau of investigation, or its successor agency.

9 3. The sheriff of the county in which the order was issued shall maintain and respond to
10 inquiries regarding a record in the national crime information center database provided
11 by the federal bureau of investigation in accordance with bureau and federal
12 requirements.

13 4. When a protection order is issued, the clerk of court shall forward a copy of the order
14 to the local law enforcement agency with jurisdiction over the residence of the
15 protected party by the close of business on the day the protection order is issued.

16 5. If the bureau, after consultation with the state court administrator, determines and
17 implements an electronic method to notify the sheriff of the county that issued the
18 order, the clerk of court's requirement to forward the order to a law enforcement
19 agency will be satisfied.

20 **14-07.7-17. Penalty for violation of a civil protection order.**

21 When a civil protection order is granted under this chapter and the respondent or individual
22 to be restrained is served a copy of the order, the first violation of an order is a class A
23 misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following
24 a conviction, a second or subsequent violation under this chapter is a class C felony.

25 **14-07.7-18. Arrest without warrant.**

26 1. A law enforcement officer shall arrest an individual without a warrant if the individual
27 has committed the offense of violating a protection order under subsection 1 of section
28 14-07.7-03, regardless of whether the violation was committed in the presence of the
29 officer.

1 2. A law enforcement officer may not be held criminally or civilly liable for making an
2 arrest under this section if the officer acts in good faith on probable cause without
3 malice.

4 **14-07.7-19. Assistance of law enforcement.**

5 When an order is issued upon request of the petitioner, the court shall order the sheriff or
6 other appropriate law enforcement officer to accompany the petitioner and assist in placing the
7 petitioner in possession of the dwelling or residence, or otherwise assist in execution of the
8 protection order, which may include referral to a domestic violence shelter care facility.

9 **14-07.7-20. Orders issued before January 1, 2026.**

10 An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or
11 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

12 **SECTION 13. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-09-33.4 of the
13 North Dakota Century Code is amended and reenacted as follows:

14 b. The student has:

15 (1) ~~An order prohibiting contact~~ a civil protection order issued against the
16 student at the request of another student or employee of the school under
17 ~~section 12.1-31.2-02~~chapter 14-07.7;

18 (2) ~~A disorderly conduct restraining order~~ issued against the student at the
19 request of another student or employee of the school under section
20 ~~12.1-31.2-01~~, except a temporary restraining order under subsection 4 of
21 section ~~12.1-31.2-01~~; or

22 (3) ~~A protection order~~ issued against the student at the request of another
23 student or employee of the school, except a temporary protection order
24 under section ~~14-07.1-03~~;

25 **SECTION 14. AMENDMENT.** Section 16.1-02-07 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-02-07. Reporting changes of names - Changes to records in the central voter file.**

28 The state court administrator shall provide for the regular reporting to the secretary of state
29 the name, address, date of birth, and county of residence, if available, of each individual
30 eighteen years of age or older whose name was changed by divorce or any order or decree of
31 the court since the last report. Any individual who has obtained a civil protection order under

1 ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section~~
2 ~~12.1-31.2-01~~chapter 14-07.7 must be listed in the central voter file with a "secured active"
3 designation. A "secured active" designation means a record maintained as an active voter for
4 pollbook purposes, but otherwise is an exempt record. The state court administrator or the
5 bureau of criminal investigation shall make available upon request of the secretary of state the
6 name of each individual who has obtained such an order.

7 **SECTION 15. AMENDMENT.** Section 29-01-15 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **29-01-15. Jurisdiction of municipal judges and small claims court referees.**

10 1. Any municipal judge may:

11 ~~1.~~ a. Act as committing magistrate; provided, that this subsection does not apply to
12 municipal judges who are not attorneys currently licensed under chapter 27-11.

13 ~~2.~~ b. Hear, try, and determine misdemeanors and infractions when jurisdiction has
14 been conferred by the Constitution of North Dakota and this and other laws.

15 ~~3.~~ c. Adjudge and impose the punishment prescribed by law, upon conviction, in all
16 cases within the municipal judge's jurisdiction to hear, try, and determine.

17 ~~4.~~ ~~Grant temporary protection orders under the particular circumstances and for the~~
18 ~~limited duration set forth in section 14-07.1-08.~~

19 2. A small claims court referee authorized pursuant to subsection 3 of section 29-01-14
20 may act as a committing magistrate. A magistrate appointed by the presiding judge of
21 the judicial district has the authority to act to the extent allowed by rules promulgated
22 by the supreme court.

23 **SECTION 16. AMENDMENT.** Subdivision g of subsection 1 of section 29-06-15 of the North
24 Dakota Century Code is amended and reenacted as follows:

25 g. For the offense of violating a ~~protection order under section 14-07.1-06~~, an order
26 prohibiting contact under section 12.1-31.2-02, ~~or for an assault involving~~
27 ~~domestic violence under section 14-07.1-11~~ or a civil protection order under
28 chapter 14-07.7.

29 **SECTION 17. AMENDMENT.** Subdivision a of subsection 2 of section 47-16-17.1 of the
30 North Dakota Century Code is amended and reenacted as follows:

Senate Bill No. 2289 with House Amendments:

5 . - **SECTION 1.** A new section to chapter 14-07 of the North Dakota Century Code is created
6 and enacted as follows:¶

7 . - **Disclosure of court records to law enforcement.**¶

8 . - A court record maintained in relation to a matter involving a domestic violence protection
9 order under section 14-07.1-02 ~~must be disclosed and provided upon request to the office of~~
10 ~~a sexual assault restraining order under section 12.1-31-01.2 is open to inspection by a law~~
11 ~~enforcement officer to enable the law enforcement officer to carry out the duties of the law~~
12 ~~enforcement officer.~~¶

Senate Bill No.2326 with House Amendments:

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

7 . - **12.1-31-01.2. Sexual assault restraining order - Penalty.**¶

19 . - 13. - A hearing on a petition filed under this section is closed to the public. The court shall
20 allow to be present the parties, the parties' attorneys, the state's attorney, a domestic
21 violence sexual assault advocate certified under the North Dakota Supreme Court
22 Administrative Rules, and any witness and ~~victim~~ protected party. The court may allow
23 any other individual the court determines has a proper interest in the hearing to be
24 present.¶

25 . - 14. - The name of a ~~victim~~ protected party in a protection order under this section is
26 confidential and must be redacted from a record that is otherwise accessible to the
27 public.¶

28 . - **SECTION 2. AMENDMENT.** Section 14-07.1-02 of the North Dakota Century Code is
29 amended and reenacted as follows:¶

1 . - **14-07.1-02. Domestic violence protection order.**¶

3 . - 12. - A hearing on an application under this section is closed to the public. The court shall
4 allow to be present the parties, the parties' attorneys, the state's attorney, a domestic
5 violence sexual assault advocate certified under the North Dakota Supreme Court
6 Administrative Rules, and any witness and ~~victim~~ protected party. The court may allow
7 any other individual the court determines has a proper interest in the hearing to be
8 present.¶

9 . - 13. - The name of a ~~victim~~ protected party in a protection order under this section is
10 confidential and must be redacted from a record that is otherwise accessible to the
11 public.¶