

Introduced by

Representative Heinert

1 A BILL for an Act to amend and reenact section 27-20.4-05.1 of the North Dakota Century
2 Code, relating to the method of making a delinquency referral to juvenile court; and to provide
3 an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 27-20.4-05.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **27-20.4-05.1. Method of making a delinquency referral to juvenile court.**

- 8 1. A referral alleging a child has committed a delinquent act may be made to the juvenile
9 court by a law enforcement officer who has reasonable grounds and knowledge of the
10 facts alleged and believes such facts are true.
- 11 2. If a child is taken into custody on the alleged delinquent act, the law enforcement
12 officer shall send the referral to the juvenile court within twenty-four hours after the
13 time in which the minor is taken into custody under section 27-20.4-05.
- 14 3. A child who commits an infraction or misdemeanor offense on school property may not
15 be referred to the juvenile court unless school interventions have been unsuccessful
16 and documentation is included with the referral indicating which interventions or
17 educational approaches were attempted.
- 18 a. A school is not required to engage in interventions before referring a case for the
19 following misdemeanor offenses:
- 20 (1) Drug-related offenses under title 19;
- 21 (2) Offenses against a person under chapter 12.1-17, 12.1-31.2, or 14-07.1;
- 22 (3) Theft of property under section 12.1-23-02 if the value of the property stolen
23 exceeds five hundred dollars;

- 1 (4) Criminal mischief under section 12.1-21-05 if the pecuniary loss of the
2 property damaged exceeds five hundred dollars;
3 (5) Sex offenses under chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29;
4 and
5 (4)(6) Any offense involving a firearm, weapon, or dangerous weapon as defined
6 in section 62.1-01-01.
- 7 b. A law enforcement officer may:
- 8 (1) Investigate possible delinquent offenses and conduct occurring at a school,
9 including conducting probable cause searches;
- 10 (2) Consult with school staff about the conduct of a child enrolled in a school;
- 11 (3) Refer a child to the juvenile court for a delinquent offense occurring on
12 school grounds or on school property as allowed by this section;
- 13 (4) Transport a child enrolled in a school to a location permitted by law;
- 14 (5) Take temporary custody of a child in accordance with section 27-20.4-05 or
15 protective custody of a child in accordance with section 27-20.3-06; and
- 16 (6) Protect the safety of students and the school community.

17 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing with
18 the secretary of state.