

2025 HOUSE JUDICIARY

HB 1489

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1489
2/11/2025

Relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

9:00 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Types of restraining orders
- Domestic violence protection service fees
- Protection of minors

9:03 a.m. Representative Bernie Satrom, North Dakota Representative for District 12, introduced the bill.

9:04 a.m. Sara Behrens, Staff Attorney at the State Court Administrators Office, testified in favor and provided testimony #36818 and #36819.

9:22 a.m. Aaron Birst, North Dakota Association of Counties, testified in favor.

9:26 a.m. Seth O'Neill, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, testified in favor and provided testimony #36852.

9:36 a.m. Jonathan Byers, North Dakota State's Attorney's Association, testified in opposition.

9:40 a.m. Chairman Klemin appointed a subcommittee for the bill consisting of Representatives Satrom as chairman and Representatives S. Olson, Schneider.

9:44 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

PROPOSED AMENDMENTS TO

Legislative Assembly
of North Dakota

BILL NO. 1489

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

A BILL for an Act to create and enact chapter 14-07.7 of the North Dakota Century Code, relating to civil protection orders; to amend and reenact sections 11-15-32 and 12-60-23, subsection 2 of section 12.1-17-13, section 14-05-23, subsection 4 of section 14-07.1-01, sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of section 14-07.1-14, section 14-07.1-19, subdivision a of subsection 1 of section 14-07.6-01, subdivision b of subsection 1 of section 15.1-09-33.4, sections 16.1-02-07 and 29-01-15, subdivision g of subsection 1 of section 29-06-15, and subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code, relating to restraining orders and protection 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, 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 Dakota Century Code, relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~ restraining civil protection order issued against an individual in the sheriff's county pursuant to ~~section 12.1-31.2-01~~ under chapter 14-07.7 within twenty-four hours of issuance. The notice must include any information required by the bureau of criminal investigation. The law enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a ~~period of~~ one year or until the date of expiration or termination as specified in the order. The order is enforceable in any jurisdiction in this state.

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

3 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
4 **and restraining orders.**

5 The bureau shall maintain a registry of all orders of which it receives notice under sections
6 ~~11-15-32, and 12.1-31.2-02, 14-07.1-02, and 14-07.1-03~~ chapter 14-07.7.

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

- 9 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,
10 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,
11 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01, 12.1-31.2-02, or~~
12 ~~14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a
13 domestic violence offender assessment and intervention program as determined by
14 the court. A court may not order the offender to attend anger management classes or
15 individual counseling unless a domestic violence offender intervention program is not
16 reasonably available to the defendant and the court makes findings for the record
17 explaining why an order to complete a domestic violence offender intervention
18 program would be inappropriate.

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

21 **14-05-23. Temporary support, attorney's fees, and parental rights and**
22 **responsibilities.**

23 During any time in which an action for separation or divorce is pending, the court, upon
24 application of a party, may issue an order requiring a party to pay such support as may be
25 necessary for the support of a party and minor children of the parties and for the payment of
26 attorney's fees. The court in the order may make an order concerning parental rights and
27 responsibilities concerning the children of the parties. The order may be issued and served in
28 accordance with the North Dakota Rules of Court. The court may include in the order a
29 provision for domestic violence protection provided the party has submitted a verified
30 ~~application~~ petition for the order which is sufficient to meet the criteria defined in subsection 2 of
31 section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties

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established in section ~~14-07.1-06~~14-07.7-17 and the arrest procedures authorized in section ~~14-07.1-11~~14-07.7-18.

SECTION 5. AMENDMENT. Subsection 4 of section 14-07.1-01 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 6. AMENDMENT. Section 14-07.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 7. AMENDMENT. Section 14-07.1-11 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-11. Arrest without warrant.

1. ~~A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under section 14-07.1-06, whether or not the violation was committed in the presence of the officer.~~
2. A law enforcement officer may arrest ~~a person~~an individual without a warrant if the arrest is made within twelve hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in section 14-07.1-01, whether or not the assault took place in the presence of the officer. After twelve hours has elapsed, the officer ~~must~~shall secure an arrest warrant before

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making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim. This subsection does not apply to an arrest made by a law enforcement officer in accordance with section 14-07.7-18.

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

SECTION 10. AMENDMENT. Subdivision a of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. Chapter 14-07.7 of the North Dakota Century Code is created and enacted as follows:

14-07.7-01. Definitions.

For purposes of this chapter:

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

 - (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
 - (2) Entering or remaining on premises;
 - (3) Coming within a specified distance of the protected individual or premises;
 - or
 - (4) Any other action necessary to protect the protected individual from imminent danger to life or health.
- b. A civil protection order may be a:

 - (1) Disorderly conduct restraining order;
 - (2) Domestic violence protection order; or
 - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, stalking bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.
5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.

7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

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

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:

a. A family or household member who commits an act of domestic violence; or

b. An individual who has committed disorderly conduct or sexual assault.

2. The petition must identify which type of civil protection order is sought.

3. If the individual to be protected is a minor, the parent or guardian shall file a petition on behalf of the minor. The parent or guardian of the minor is the petitioner and the minor is the protected individual.

4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.

5. The petition must allege facts sufficient to show:

a. The name of the alleged victim;

b. The name of the respondent engaging in the alleged conduct; and

c. The respondent engaged in the alleged conduct.

6. The petition must contain:

a. A declaration stating the specific facts and circumstances supporting the relief sought; and

b. A statement listing each civil or criminal action involving both parties.

7. A petition may be against only one respondent. Dual protection orders in a single action are prohibited.

8. A petition may be brought under this chapter without regard to the commencement of an action for legal separation, annulment, divorce, or parenting rights and responsibilities.

9. A filing fee may not be charged for a civil protection order petition.

14-07.7-03. Civil protection order - General provisions.

1. A civil protection order must contain a conspicuous notice to the respondent providing:
 - a. The specific conduct that constitutes a violation;
 - b. The penalties for violation of the order; and
 - c. A peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent violated the order.
2. The court may amend an order following a motion filed by either party.
3. An order entered under this chapter expires on the expiration date provided in the order at eleven fifty-nine p.m. central standard time.
4. No order under this chapter affects title to real property.

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

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.

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

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

5 **14-07.7-06. Temporary domestic violence protection order.**

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

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

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

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

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

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

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

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

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

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

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

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

5 **14-07.7-07. Domestic violence protection order.**

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

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

8 b. The sheriff serves the respondent with a copy of the temporary domestic violence
9 protection order issued under ~~subsection 1~~ section 14-07.7-06 and with notice of
10 the time and place of the hearing;

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

14 d. The court finds after the hearing that:

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

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

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

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

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

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

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

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

f. Awarding temporary use of personal property, including motor vehicles, to either party.

g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served, or upon request of a law enforcement officer, whichever is sooner, to:

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

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

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

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

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

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

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

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

c. Contacting the protected individual.

14-07.7-09. Sexual assault restraining order.

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

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

- b. The sheriff serves the respondent with a copy of the temporary sexual assault restraining order issued under section 14-07.7-08 and with notice of the time and place of the hearing;
- c. The court sets a hearing for no later than fourteen days after issuance of the temporary sexual assault restraining order or a later date if good cause is shown; and
- d. The court finds after the hearing there are reasonable grounds to believe the respondent committed sexual assault.

2. The order must include provisions prohibiting the respondent from:

- a. Harassing, stalking, or threatening the protected individual;
- b. Appearing at the residence, school, and place of employment of the protected individual; and
- c. Contacting the protected individual.

3. The relief granted by the sexual assault restraining order may not exceed two years.

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

1. Notwithstanding subsection 5 of section 11-16-05, a state's attorney may advise and assist an individual in preparation of documents necessary to secure a civil protection order under this section.
2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

14-07.7-11. Notification of stalking law.

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

14-07.7-12. Service.

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit a copy of the order to the sheriff of the county in which the respondent resides for service on the respondent.
2. If the respondent cannot be served, the order may be served on the respondent by publication under rule 4 of the North Dakota Rules of Civil Procedure.

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

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

5 **14-07.7-13. Right to apply for relief.**

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

9 **14-07.7-14. Appointment of guardian ad litem of minor.**

10 1. The court, upon the request of either party or upon its own motion, may appoint a
11 guardian ad litem in an action for a civil protection order to represent a minor
12 concerning primary residential responsibility, support, or parenting time if either party
13 or the court has reason for special concern for the immediate future of the minor.

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

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

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

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

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

29 **14-07.7-15. Nonexclusive remedy.**

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

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

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with bureau and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

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

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, violation of any order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court.

14-07.7-18. Arrest without warrant.

1. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under subsection 1 of section 14-07.7-03, regardless of whether the violation was committed in the presence of the officer.
2. A law enforcement officer may not be held criminally or civilly liable for making an arrest under this section if the officer acts in good faith on probable cause without malice.

14-07.7-19. Assistance of law enforcement.

When an order is issued upon request of the petitioner, the court shall order the sheriff or other appropriate law enforcement officer to accompany the petitioner and assist in placing the

petitioner in possession of the dwelling or residence, or otherwise assist in execution of the protection order, which may include referral to a domestic violence shelter care facility.

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

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

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

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under ~~section 12.1-31.2-02~~chapter 14-07.7;
- (2) ~~A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- (3) ~~A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a civil protection order under ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01~~chapter 14-07.7 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any municipal judge may:

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

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

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

~~d. Grant temporary protection orders under the particular circumstances and for the limited duration set forth in section 14-07.1-08chapter 14-07.7.~~

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

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

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

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

a. The tenant fears imminent domestic violence from a person named in a court order, protection order under ~~section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order,~~chapter 14-07.7 or other record filed with a court;

SECTION 17. 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, 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 Dakota Century Code are repealed.

SECTION 18. EFFECTIVE DATE. This Act is effective on January 1, 2026.

House Bill 1489
House Judiciary Committee
Testimony Presented by Sara Behrens
February 11, 2025

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1489 which was submitted at the request of the Supreme Court. We do have a few amendments to propose that were missed in the Legislative Council version filed.

Currently, there are three types of civil restraining/protection orders that can be obtained in North Dakota: disorderly conduct restraining order (DCRO), domestic violence protection order (DVPO), and sexual assault restraining order (SARO).

A DCRO is granted when an individual demonstrates the respondent has committed disorderly conduct which are "intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual." This type of order does not require that there be a relationship of some type between the petitioner and respondent. It can encompass things such as neighbor disputes or even stranger harassment.

To obtain a DVPO, there must exist a particular relationship such as family members, dating relationship, or roommate. A DVPO is granted when an individual demonstrates the respondent has committed acts of domestic violence.

A SARO is granted when an individual demonstrates the respondent has committed sexual assault. This type of order can be granted between those who have a relationship or in instances where there is no relationship.

Each of these orders has specific requirements, but there are also many commonalities in the process. Right now, these types are scattered in the code. Disorderly conduct restraining orders and sexual assault restraining orders are found in the criminal code. DCROs are found easily enough under chapter 12.1-31.2 – Disorderly Conduct Restraining Order. SAROs, however, are hidden in chapter 12.1-31 – Miscellaneous Offenses. DVPOs are found in chapter 14-07.1 – Domestic Violence.

The discussion on these various orders arose in the State Court Administrator's Office due to the issue of service. Currently, there is no filing or service fee associated with either the DVPO or SARO. Someone filing a petition for a DCRO is required to pay the filing fee and service fee unless that petition involves domestic violence. This can cause problems for the petitioner, the clerk's office, and law enforcement trying to determine if domestic violence is sufficiently alleged to not require these fees. The process for DVPOs and SAROs is much more streamlined due to the absence of these fees.

Because these issues were being examined, it made sense to try to make these processes more uniform and centralize them in one place. The Judicial Conference Committee on Legislation formed a subcommittee to accomplish this. The subcommittee included: Judges Cherie Clark and Daniel El-Dweek, district court clerk Crystal Eide,

Seth O'Neill with the North Dakota Domestic & Sexual Violence Coalition, Captain Pat Haug with the Mandan Police Department, Traill County Sheriff Steve Hunt, Stutsman County Sheriff Chad Kaiser, Jeanne Vetter with the Bureau of Criminal Investigation, and Cammie Shock with Judicial Branch IT. The subcommittee made recommendations to the Committee on Legislation which presented this bill following some additional changes. The majority of what is contained in the bill is existing law.

HB 1489 brings the three types of orders under one umbrella term: civil protection order and creates a new chapter. Currently, there are extensive provisions regarding DVPOs but very little regarding the other two types. This bill fleshes out the procedure for all types.

Sections 1-10 of the bill change citations and remove provisions that are now found in the new chapter.

Section 11 creates new chapter 14-07.7 – Civil Protection Orders. Much of what is contained in the new chapter is existing law. Some changes are being proposed to ensure a smoother, easier process for all involved.

14-07.7-01

This is the definition section. It defines what a civil protection order is and indicates that a civil protection order encompasses all three types of existing orders. Definitions are pulled in from the existing sections regarding the three types. Two amendments are proposed. The first is on page 5 of the amended version, line 22 and adds “stalking” to the definition of domestic violence. The second is on page 6 of the

amended version, lines 1-2 and adds “issued under this chapter” to make clear that the definition applies to temporary orders as well.

14-07.7-02

This section explains what must be included in a petition for a civil protection order. This section also explains that if there is a minor petitioner, the parent or guardian is the petitioner and the minor is the protected individual. If the respondent is a minor, the parent or guardian of the minor must be notified of the petition and any resulting orders. Current law does not fully address how minor parties are handled.

One benefit of having all three orders be under the umbrella term “civil protection order” is in the case of an incorrect request. Having all types be a “civil protection order” will enable a court to more easily enter the correct type of order when the incorrect type is requested because it will be the same form for all three. The term civil protection order will also assist in obscuring the type of order entered to protect the petitioner while allowing schools, employers, etc. to know an order exists against a particular respondent in favor of a particular petitioner.

Instead of having a filing fee for only one type of order (and even then, there is the exception for domestic violence allegations), there will be no filing fee for filing a petition for a civil protection order.

14-07.7-03

This section requires that the civil protection order contain a conspicuous notice to the respondent explaining the conduct that constitutes a violation, the penalties, and law enforcement can arrest the respondent without a warrant for a violation. This is currently only required for DCROs and SAROs.

This section also specifies the time when an order expires which has been ambiguous under current law.

14-07.7-04 and 14-07.7-05

These sections contain the specifics for temporary DCROs and DCROs which mainly come from the existing DCRO statutes.

14-07.7-06 and 14-07.7-07

These sections contain the specifics for temporary DVPOs and DVPOs, much of which comes from the existing DVPO statutes. Some additional time frames have been added to clarify procedure for law enforcement. We have one amendment to the timing on page 8, line 22 and page 10, lines 9-10, of the amended version to add “or upon request of a law enforcement officer, whichever is sooner” to allow law enforcement leeway when needed. The relief provisions were altered to clarify that a judge can exclude a respondent from those places necessary to protect the protected individual. On page 9, line 9, of the amended version changes “subsection 1” to “section 14-07.7-06 so that the correct citation is included.

14-07.7-08 and 14-07.7-09

These sections contain the specifics for temporary SAROs and SAROs which mainly come from the existing SARO statutes.

14-07.7-10

This section provides that a state's attorney or a domestic violence sexual assault advocate can assist an individual with preparation of documents and, the advocate may sit with the petitioner during court proceedings.

14-07.7-11

Currently, notification of the stalking law is required to be included with a DVPO but not the other two types. It made sense to have the same requirement for all three.

14-07.7-12

This section creates uniformity with service. Anytime an order is issued, extended, modified, or terminated, the court will send a copy to the sheriff for service on the respondent and no service fee will be charged. Right now, the process is different for DCROs (unless domestic violence is alleged) which creates difficulty and confusion for everyone involved.

14-07.7-13

This section makes clear that an individual can apply for a civil protection order even if the individual had to leave a residence due to domestic violence. This is an existing statute.

14-07.7-14

This section is existing law and provides for appointment of a guardian ad litem when a minor is involved and questions of primary residential responsibility, support, or parenting time are at issue.

14-07.7-15

This section provides that a petition for a civil protection order can be brought even if other civil or criminal remedies may apply.

14-07.7-16

This section requires the civil protection order be transmitted to the bureau of criminal investigation whenever an order is issued, extended, modified, or terminated for inclusion in the national crime information center database provided by the FBI.

14-07.7-17

This section standardizes the penalty for violation of a civil protection order. A violation of any order is a class A misdemeanor and constitutes contempt of court. Currently, for DVPOs and SAROs, a second or subsequent violation is a felony. The Committee on Legislation wanted to provide clarity that to enhance a charge from a misdemeanor to a felony required a conviction prior to a charging a subsequent violation as a felony charge.

14-07.7-18

Like current statute applying to all three types, a respondent can be arrested without a warrant if the officer has probable cause that the respondent has violated the order.

14-07.7-19

This section is currently found in the DVPO statutes but would have application across all types when there is a need for assistance in obtaining possession of a dwelling or otherwise execute the order.

14-07.7-20

This section provides that any order issued under existing law entered prior to the effective date of the legislation remains in effect as provided in the order.

Sections 12 through 16 make citations changes to correspond with the new chapter.

Section 17 repeals the existing statutes governing disorderly conduct restraining orders, domestic violence protection orders, and sexual assault restraining orders. I will note that section 14-07.1-08 is not being carried over into this bill. That section allowed emergency orders to be entered by a magistrate when the court is unavailable. This was a remnant remaining from when there were county courts. This is no longer an issue. Page 15, lines 11-12, in the amended version strikes out subparagraph d. because 14-07.1-08 is being repealed.

Section 18 provides for an effective date of January 1, 2026. The delayed effective date is to allow the judicial IT department to rewrite the system to correspond with the new provisions and to allow the Supreme Court's Self-Help Center to draft new forms and instructions.

Thank you for your consideration and we urge a do pass.



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House Bill No. 1489
House Judiciary Committee
Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
February 11, 2025

Chairman Klemin and the Members of the House Judiciary Committee, my name is Seth O'Neill, and I represent the North Dakota Domestic & Sexual Violence Coalition, in support of HB 1489. This bill would consolidate the various civil protection order provisions into one section of the North Dakota Century Code and make a few adjustments to the law.

The first civil protection order law in North Dakota was passed in the 46th Legislative Assembly in 1979. Our organization (then known as the Council on Abused Women's Services) worked with then-Senator Wayne Stenehjem to pass the first version of the Domestic Violence Protection Order. Since 1979, we have worked on refining the law to ensure it protects victims of domestic and sexual violence including last session when this Committee worked with us to add stalking to the definition of domestic violence. Throughout time, disorderly conduct restraining orders and sexual assault restraining orders were also added.

As you heard from Ms. Behrens, this bill would consolidate the various civil protection order provisions into one section of the North Dakota Century Code and make a few adjustments to the law. One adjustment that we are in disagreement with is on Page 13 starting on line 27. Presently, a second or subsequent violation of a DVPO is a Class C Felony. This bill would reduce that penalty to all violations being a Class A Misdemeanor. We do not believe that decreasing penalties for domestic violence offenders is in the best interests of North Dakota. Individuals who violate a protection order often have a disregard for the court and law enforcement. We believe that offenders should have to deal with this enhanced consequence for a subsequent violation of a civil protection order. I have included in my testimony a suggested amendment to correct this.



This bill also makes some necessary improvements regarding provisions dealing with protection orders for minors. When the case involves a minor, often times it is a petitioner and respondent are both minors. One addition we have is clarifying a situation when a minor does not have a parent or guardian to assist in petitioning for the civil protection order. I have attached an amendment to clarify that a guardian ad-litem could assist in petitioning for a civil protection order in the absence of a parent. If a seventeen year old is sexually assaulted and needs protection from their perpetrator, a guardian ad-litem could assist with seeking the order in the absence of a parent.

Chairman Klemin, and members of the committee, we encourage the committee to give HB 1489 a “Do-Pass” recommendation with the suggested amendments. I appreciate your time and I am happy to answer any questions you may have. Thank You.



Amendments

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

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

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

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, the first violation of ~~any~~ the order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court. After conviction for a first violation, a second or subsequent violation of the order is a class C felony.

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

1. The court, upon the request of either party or upon its own motion, may appoint a guardian ad litem in an action for a civil protection order to represent a minor concerning primary residential responsibility, support, ~~or~~ parenting time, or to petition for a civil protection order in the absence of a parent, if either party or the court has reason for special concern for the immediate future of the minor.
2. A guardian ad litem may be appointed at the time of a temporary civil protection order or any time before the full hearing.
3. The role of the guardian ad litem consists of investigation and making a recommendation and report to the court or in the absence of a parent, petition for a civil protection order. At no time may the involvement of the guardian ad litem alter the requirements set forth in section 14-07.7-02.
4. Appointment of the guardian ad litem expires immediately after the full hearing unless the court retains the right, upon specific finding of need, to continue the appointment of a guardian ad litem to represent a minor in matters concerning parenting time.
5. The guardian ad litem shall have access to records before the court, except as otherwise provided by law.

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

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1489
2/12/2025
Subcommittee

Relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.
--

4:00 p.m. Chairman Satrom opened the hearing.

Members Present: Chairman Satrom, Representatives S. Olson, Schneider

Discussion Topics:

- Domestic violence protection service fees
- Similar bill in the senate
- Violence Against Women's Act

4:03 p.m. Travis Finck, Director at North Dakota Commission on Legal Counsel for Indigents, answered committee questions.

4:05 p.m. Jonathan Byers, North Dakota State's Attorney's Association, answered committee questions.

4:06 p.m. Seth O'Neill, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, answered committee questions.

4:09 p.m. Sara Behrens, Staff Attorney at the State Court Administrators Office, answered committee questions.

4:19 p.m. Seth O'Neill, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, answered committee questions.

4:25 p.m. Travis Finck, Director at North Dakota Commission on Legal Counsel for Indigents, answered committee questions

4:30 p.m. Sara Behrens, Staff Attorney at the State Court Administrators Office, answered committee questions.

Additional written testimony:

Sarah Behrens, Staff Attorney at the State Court Administrators Office, submitted testimony in favor #37478

4:49 p.m. Chairman Satrom closed the hearing.

Wyatt Armstrong, Committee Clerk

PROPOSED AMENDMENTS TO

Legislative Assembly
of North Dakota

BILL NO. 1489

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

A BILL for an Act to create and enact chapter 14-07.7 of the North Dakota Century Code, relating to civil protection orders; to amend and reenact sections 11-15-32 and 12-60-23, subsection 2 of section 12.1-17-13, section 14-05-23, subsection 4 of section 14-07.1-01, sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of section 14-07.1-14, section 14-07.1-19, subdivision a of subsection 1 of section 14-07.6-01, subdivision b of subsection 1 of section 15.1-09-33.4, sections 16.1-02-07 and 29-01-15, subdivision g of subsection 1 of section 29-06-15, and subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code, relating to restraining orders and protection 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, 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 Dakota Century Code, relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~ restraining civil protection order issued against an individual in the sheriff's county pursuant to ~~section 12.1-31.2-01~~ under chapter 14-07.7 within twenty-four hours of issuance. The notice must include any information required by the bureau of criminal investigation. The law enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a ~~period of~~ one year or until the date of expiration or termination as specified in the order. The order is enforceable in any jurisdiction in this state.

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

3 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
4 **and restraining orders.**

5 The bureau shall maintain a registry of all orders of which it receives notice under sections
6 ~~11-15-32, and 12.1-31.2-02, 14-07.1-02, and 14-07.1-03~~ chapter 14-07.7.

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

- 9 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,
10 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,
11 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01, 12.1-31.2-02, or~~
12 ~~14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a
13 domestic violence offender assessment and intervention program as determined by
14 the court. A court may not order the offender to attend anger management classes or
15 individual counseling unless a domestic violence offender intervention program is not
16 reasonably available to the defendant and the court makes findings for the record
17 explaining why an order to complete a domestic violence offender intervention
18 program would be inappropriate.

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

21 **14-05-23. Temporary support, attorney's fees, and parental rights and**
22 **responsibilities.**

23 During any time in which an action for separation or divorce is pending, the court, upon
24 application of a party, may issue an order requiring a party to pay such support as may be
25 necessary for the support of a party and minor children of the parties and for the payment of
26 attorney's fees. The court in the order may make an order concerning parental rights and
27 responsibilities concerning the children of the parties. The order may be issued and served in
28 accordance with the North Dakota Rules of Court. The court may include in the order a
29 provision for domestic violence protection provided the party has submitted a verified
30 ~~application~~ petition for the order which is sufficient to meet the criteria defined in subsection 2 of
31 section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties

Legislative Assembly

established in section ~~14-07.1-06~~14-07.7-17 and the arrest procedures authorized in section ~~14-07.1-11~~14-07.7-18.

SECTION 5. AMENDMENT. Subsection 4 of section 14-07.1-01 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 6. AMENDMENT. Section 14-07.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 7. AMENDMENT. Section 14-07.1-11 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-11. Arrest without warrant.

1. ~~A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under section 14-07.1-06, whether or not the violation was committed in the presence of the officer.~~
2. A law enforcement officer may arrest ~~a person~~an individual without a warrant if the arrest is made within twelve hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in section 14-07.1-01, whether or not the assault took place in the presence of the officer. After twelve hours has elapsed, the officer ~~must~~shall secure an arrest warrant before

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making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim. This subsection does not apply to an arrest made by a law enforcement officer in accordance with section 14-07.7-18.

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

SECTION 10. AMENDMENT. Subdivision a of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. Chapter 14-07.7 of the North Dakota Century Code is created and enacted as follows:

14-07.7-01. Definitions.

For purposes of this chapter:

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

 - (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
 - (2) Entering or remaining on premises;
 - (3) Coming within a specified distance of the protected individual or premises;
 - or
 - (4) Any other action necessary to protect the protected individual from imminent danger to life or health.
- b. A civil protection order may be a:

 - (1) Disorderly conduct restraining order;
 - (2) Domestic violence protection order; or
 - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, stalking bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.
5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.

7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

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

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:

a. A family or household member who commits an act of domestic violence; or

b. An individual who has committed disorderly conduct or sexual assault.

2. The petition must identify which type of civil protection order is sought.

3. If the individual to be protected is a minor, the parent or guardian shall file a petition on behalf of the minor. The parent or guardian of the minor is the petitioner and the minor is the protected individual.

4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.

5. The petition must allege facts sufficient to show:

a. The name of the alleged victim;

b. The name of the respondent engaging in the alleged conduct; and

c. The respondent engaged in the alleged conduct.

6. The petition must contain:

a. A declaration stating the specific facts and circumstances supporting the relief sought; and

b. A statement listing each civil or criminal action involving both parties.

7. A petition may be against only one respondent. Dual protection orders in a single action are prohibited.

8. A petition may be brought under this chapter without regard to the commencement of an action for legal separation, annulment, divorce, or parenting rights and responsibilities.

9. A filing fee may not be charged for a civil protection order petition.

14-07.7-03. Civil protection order - General provisions.

1. A civil protection order must contain a conspicuous notice to the respondent providing:
 - a. The specific conduct that constitutes a violation;
 - b. The penalties for violation of the order; and
 - c. A peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent violated the order.
2. The court may amend an order following a motion filed by either party.
3. An order entered under this chapter expires on the expiration date provided in the order at eleven fifty-nine p.m. central standard time.
4. No order under this chapter affects title to real property.

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

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.

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

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

5 **14-07.7-06. Temporary domestic violence protection order.**

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

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

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

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

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

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

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

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

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

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

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

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

5 **14-07.7-07. Domestic violence protection order.**

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

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

8 b. The sheriff serves the respondent with a copy of the temporary domestic violence
9 protection order issued under ~~subsection 1~~ section 14-07.7-06 and with notice of
10 the time and place of the hearing;

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

14 d. The court finds after the hearing that:

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

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

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

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

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

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

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

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

f. Awarding temporary use of personal property, including motor vehicles, to either party.

g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served, or upon request of a law enforcement officer, whichever is sooner, to:

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

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

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

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

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

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

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

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

c. Contacting the protected individual.

14-07.7-09. Sexual assault restraining order.

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

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

- b. The sheriff serves the respondent with a copy of the temporary sexual assault restraining order issued under section 14-07.7-08 and with notice of the time and place of the hearing;
- c. The court sets a hearing for no later than fourteen days after issuance of the temporary sexual assault restraining order or a later date if good cause is shown; and
- d. The court finds after the hearing there are reasonable grounds to believe the respondent committed sexual assault.

2. The order must include provisions prohibiting the respondent from:

- a. Harassing, stalking, or threatening the protected individual;
- b. Appearing at the residence, school, and place of employment of the protected individual; and
- c. Contacting the protected individual.

3. The relief granted by the sexual assault restraining order may not exceed two years.

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

1. Notwithstanding subsection 5 of section 11-16-05, a state's attorney may advise and assist an individual in preparation of documents necessary to secure a civil protection order under this section.
2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

14-07.7-11. Notification of stalking law.

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

14-07.7-12. Service.

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit a copy of the order to the sheriff of the county in which the respondent resides for service on the respondent.
2. If the respondent cannot be served, the order may be served on the respondent by publication under rule 4 of the North Dakota Rules of Civil Procedure.

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

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

5 **14-07.7-13. Right to apply for relief.**

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

9 **14-07.7-14. Appointment of guardian ad litem of minor.**

10 1. The court, upon the request of either party or upon its own motion, may appoint a
11 guardian ad litem in an action for a civil protection order to represent a minor
12 concerning primary residential responsibility, support, or parenting time if either party
13 or the court has reason for special concern for the immediate future of the minor.

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

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

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

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

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

29 **14-07.7-15. Nonexclusive remedy.**

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

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

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with bureau and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

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

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, violation of any order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court.

14-07.7-18. Arrest without warrant.

1. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under subsection 1 of section 14-07.7-03, regardless of whether the violation was committed in the presence of the officer.
2. A law enforcement officer may not be held criminally or civilly liable for making an arrest under this section if the officer acts in good faith on probable cause without malice.

14-07.7-19. Assistance of law enforcement.

When an order is issued upon request of the petitioner, the court shall order the sheriff or other appropriate law enforcement officer to accompany the petitioner and assist in placing the

petitioner in possession of the dwelling or residence, or otherwise assist in execution of the protection order, which may include referral to a domestic violence shelter care facility.

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

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

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

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under ~~section 12.1-31.2-02~~ chapter 14-07.7;
- (2) ~~A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- (3) ~~A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a civil protection order under ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01~~ chapter 14-07.7 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any municipal judge may:

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

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

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

~~d. Grant temporary protection orders under the particular circumstances and for the limited duration set forth in section 14-07.1-08chapter 14-07.7.~~

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

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

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

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

a. The tenant fears imminent domestic violence from a person named in a court order, protection order under ~~section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order,~~chapter 14-07.7 or other record filed with a court;

SECTION 17. 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, 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 Dakota Century Code are repealed.

SECTION 18. EFFECTIVE DATE. This Act is effective on January 1, 2026.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1489
2/18/2025

relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

9:10 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative McLeod

Discussion Topics:

- Petitioning for civil protection orders
- Penalties for multiple violations of civil protection orders
- Surrendering of firearms

9:11 a.m. Representative S. Olson, North Dakota Representative for District 8, proposed amendment LC: 25.0903.01001, testimony #37966.

9:18 a.m. Sara Behrens, Staff Attorney with the State Court Administrator's Office, answered committee questions.

9:29 a.m. Representative Satrom moved to adopt Amendment LC: 25.0903.01001, testimony #37966.

9:29 a.m. Representative S. Olson seconded the motion.

Motion held due to time constraints.

9:35 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

25.0903.01001
Title.

Prepared by the Legislative Council
staff for House Judiciary Committee
February 17, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1489

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

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

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

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

16 **11-15-32. Issuance of civil protection and ~~restraining~~ orders - Duty of sheriff.**

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

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

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

6 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
7 **and restraining orders.**

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

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

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

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

24 **14-05-23. Temporary support, attorney's fees, and parental rights and**
25 **responsibilities.**

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

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

6 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

16 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

25 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-07.1-11. Arrest without warrant.**

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

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

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

1 **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the
2 North Dakota Century Code is amended and reenacted as follows:

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

6 **SECTION 11.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted
7 as follows:

8 **14-07.7-01. Definitions.**

9 For purposes of this chapter:

- 10 1. a. "Civil protection order" means a protection order that prohibits the restrained
11 individual from:
12 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,
13 touching, stalking, sexually assaulting, or abusing any protected individual;
14 (2) Entering or remaining on premises;
15 (3) Coming within a specified distance of the protected individual or premises;
16 or
17 (4) Any other action necessary to protect the protected individual from imminent
18 danger to life or health.
19 b. A civil protection order may be a:
20 (1) Disorderly conduct restraining order;
21 (2) Domestic violence protection order; or
22 (3) Sexual assault restraining order.
23 2. "Contact" means any interaction or communication with another individual, directly or
24 indirectly, including electronic, digital, and social media communication.
25 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to
26 adversely affect the safety, security, or privacy of another individual. Disorderly
27 conduct includes human trafficking and attempted human trafficking as defined in
28 title 12.1. Disorderly conduct does not include constitutionally protected activity.
29 4. "Domestic violence" includes physical harm, bodily injury, ~~stalking~~, sexual activity
30 compelled by physical force, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, sexual activity compelled by physical force, or assault, not committed in
2 self-defense, on the complaining family or household member.

3 5. "Family or household member" means a spouse, family member, former spouse,
4 parent, child, individual related by blood or marriage, individuals in a dating
5 relationship, individuals residing together or who have resided together in the past,
6 individuals with a child in common regardless of relationship status and, for the
7 purpose of the issuance of a civil protection order, any other individual with a sufficient
8 relationship to the abusing individual as determined by the court under section
9 14-07.7-07.

10 6. "Protected individual" means the individual identified in a civil protection order issued
11 under this chapter as the individual for whose benefit the civil protection order was
12 issued.

13 7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which
14 sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

15 8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and
16 disorderly conduct include stalking.

17 **14-07.7-02. Petition for civil protection order.**

18 1. An individual who is or has been a victim of disorderly conduct, domestic violence, or
19 sexual assault may file a petition for a civil protection order against:

20 a. A family or household member who commits an act of domestic violence; or

21 b. An individual who has committed disorderly conduct or sexual assault.

22 2. The petition must identify which type of civil protection order is sought.

23 3. If the individual to be protected is a minor, the parent-~~or~~, guardian, or attorney guardian
24 ad litem shall file a petition on behalf of the minor. The parent-~~or~~, guardian, or attorney
25 guardian ad litem of the minor is the petitioner and the minor is the protected
26 individual. A minor of sufficient and competent age may petition for a civil protection
27 order on their own behalf.

28 4. If the respondent is a minor, the parent or guardian must be notified of the petition and
29 any subsequent order.

30 5. The petition must allege facts sufficient to show:

31 a. The name of the alleged victim;

- 1 b. The name of the respondent engaging in the alleged conduct; and
- 2 c. The respondent engaged in the alleged conduct.
- 3 6. The petition must contain:
- 4 a. A declaration stating the specific facts and circumstances supporting the relief
- 5 sought; and
- 6 b. A statement listing each civil or criminal action involving both parties.
- 7 7. A petition may be against only one respondent. Dual protection orders in a single
- 8 action are prohibited.
- 9 8. A petition may be brought under this chapter without regard to the commencement of
- 10 an action for legal separation, annulment, divorce, or parenting rights and
- 11 responsibilities.
- 12 9. A filing fee may not be charged for a civil protection order petition.

13 **14-07.7-03. Civil protection order - General provisions - Confidentiality.**

- 14 1. A civil protection order must contain a conspicuous notice to the respondent providing:
- 15 a. The specific conduct that constitutes a violation;
- 16 b. The penalties for violation of the order; and
- 17 c. A peace officer may arrest the respondent without a warrant and take the
- 18 respondent into custody if the peace officer has probable cause to believe the
- 19 respondent violated the order.
- 20 2. The court may amend an order following a motion filed by either party.
- 21 3. An order entered under this chapter expires on the expiration date provided in the
- 22 order at eleven fifty-nine p.m. central standard time.
- 23 4. No order under this chapter affects title to real property.
- 24 5. The name of a protected individual is confidential and must be redacted from a record
- 25 accessible to the public.

26 **14-07.7-04. Temporary disorderly conduct restraining order.**

- 27 1. If the petition for relief alleges reasonable grounds that a respondent engaged in
- 28 disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly
- 29 conduct restraining order ordering the respondent to cease the disorderly conduct or
- 30 contact with the protected individual.
- 31 2. A temporary restraining order may be entered:

- 1 a. Against the respondent named in the petition; and
- 2 b. Without notice to the respondent.
- 3 3. Unless otherwise terminated by the court, the temporary restraining order is in effect
- 4 until an order issued under section 14-07.7-05 is served.

5 **14-07.7-05. Disorderly conduct restraining order.**

- 6 1. The court may grant a disorderly conduct restraining order ordering the respondent to
- 7 cease the disorderly conduct or contact with the protected individual if:
- 8 a. The petitioner files a petition under section 14-07.7-02;
- 9 b. The sheriff serves the respondent with a copy of the temporary restraining order
- 10 issued under section 14-07.7-04 and with notice of the time and place of the
- 11 hearing;
- 12 c. The court sets a hearing for no later than fourteen days after issuance of the
- 13 temporary restraining order, or a later date if good cause is shown; and
- 14 d. After the hearing, the court finds reasonable grounds exist to believe the
- 15 respondent engaged in disorderly conduct.
- 16 2. If a respondent claims to have engaged in constitutionally protected activity, the court
- 17 shall determine the validity of the claim as a matter of law and, if found valid, shall
- 18 exclude evidence of the activity.
- 19 3. Relief granted by the restraining order may not exceed two years.

20 **14-07.7-06. Temporary domestic violence protection order.**

- 21 1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in
- 22 domestic violence, the court, pending a full hearing, may grant a temporary domestic
- 23 violence protection order that may include provisions:
- 24 a. Restraining the respondent from having contact with or committing acts of
- 25 domestic violence on another individual.
- 26 b. Excluding the respondent from the residence of another individual or from a place
- 27 necessary to ensure the safety of the protected individual.
- 28 c. Awarding temporary primary residential responsibility or establishing temporary
- 29 parenting time with regard to minor children.
- 30 d. Requiring the respondent to surrender for safekeeping any firearm or other
- 31 specified dangerous weapon, as defined in section 12.1-01-04, which is in the

1 respondent's possession, custody, or control, if the court has probable cause to
2 believe the respondent is likely to use, display, or threaten to use the firearm or
3 other dangerous weapon in further acts of violence.

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

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

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

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

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

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

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

21 **14-07.7-07. Domestic violence protection order.**

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

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

24 b. The sheriff serves the respondent with a copy of the temporary domestic violence
25 protection order issued under ~~subsection 1~~section 14-07.7-06 and with notice of
26 the time and place of the hearing;

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

30 d. The court finds after the hearing that:

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

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

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

- a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other individual.
- b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
- c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
- d. Recommending or requiring that the respondent complete a domestic violence offender assessment and attend a domestic violence intervention program as determined appropriate by the court. The court may request a report from the designated program within a time period established by the court. The costs of the court-ordered assessment and subsequent reports must be borne by the respondent or, if indigent, by the respondent's county of residence.
- e. Requiring a party to pay any support necessary for the support of a party and any minor children of the parties and reasonable attorney's fees and costs.
- f. Awarding temporary use of personal property, including motor vehicles, to either party.
- g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:

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

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

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

7 **14-07.7-08. Temporary sexual assault restraining order.**

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

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

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

14 b. Appearing at the residence, school, and place of employment of the protected
15 individual; and

16 c. Contacting the protected individual.

17 **14-07.7-09. Sexual assault restraining order.**

18 1. The court may grant a sexual assault restraining order 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 sexual assault
21 restraining order issued under section 14-07.7-08 and with notice of the time and
22 place of the hearing;

23 c. The court sets a hearing for no later than fourteen days after issuance of the
24 temporary sexual assault restraining order or a later date if good cause is shown;
25 and

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

28 2. The order must include provisions prohibiting the respondent from:

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

30 b. Appearing at the residence, school, and place of employment of the protected
31 individual; and

c. Contacting the protected individual.

3. The relief granted by the sexual assault restraining order may not exceed two years.

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

1. Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a state's attorney staff member may ~~advise and~~ assist an individual in preparation of documents necessary to secure a civil protection order under this section.

2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate certified under the North Dakota Supreme Court Administrative Rules may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

14-07.7-11. Notification of stalking law.

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

14-07.7-12. Service.

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

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

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

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

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

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

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

1. The court, upon the request of either party or upon its own motion, may appoint an attorney guardian ad litem in an action for a civil protection order to represent a minor

- 1 ~~concerning primary residential responsibility, support, or parenting time~~ if either party
2 or the court has reason for special concern for the immediate future of the minor.
- 3 2. A guardian ad litem may be appointed at the time of a temporary civil protection order
4 or any time before the full hearing.
- 5 3. The role of the guardian ad litem consists of investigation and making a
6 recommendation and report to the court. At no time may the involvement of the
7 guardian ad litem alter the requirements set forth in section 14-07.7-02.
- 8 4. Appointment of the guardian ad litem expires immediately after the full hearing unless
9 the court retains the right, upon specific finding of need, to continue the appointment
10 of a guardian ad litem to represent a minor in matters concerning parenting time.
- 11 5. The guardian ad litem shall have access to records before the court, except as
12 otherwise provided by law.
- 13 6. The court may direct either or both parties to pay the guardian ad litem fees
14 established by the court. If neither party is able to pay the fees, the court, after notice
15 to the state's attorney of the county of venue, may direct the fees to be paid, in whole
16 or in part, by the county of venue. The court may direct either or both parties to
17 reimburse the county, in whole or in part, for the payment.

18 **14-07.7-15. Nonexclusive remedy.**

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

20 **14-07.7-16. Transmittal to bureau of criminal investigation.**

- 21 1. When a protection order is issued, extended, modified, or terminated under this
22 chapter, the court shall transmit the order electronically to the bureau of criminal
23 investigation.
- 24 2. The bureau shall enter the order electronically in the national crime information center
25 database provided by the federal bureau of investigation, or its successor agency.
- 26 3. The sheriff of the county in which the order was issued shall maintain and respond to
27 inquiries regarding a record in the national crime information center database provided
28 by the federal bureau of investigation in accordance with bureau and federal
29 requirements.

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

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

8 **14-07.7-17. Penalty for violation of a civil protection order.**

9 When a civil protection order is granted under this chapter and the respondent or individual
10 to be restrained is served a copy of the order, the first violation of any order is a class A
11 misdemeanor. A violation of a civil protection order also constitutes contempt of court. A second
12 or subsequent violation under this chapter is a class C felony.

13 **14-07.7-18. Arrest without warrant.**

14 1. A law enforcement officer shall arrest an individual without a warrant if the individual
15 has committed the offense of violating a protection order under subsection 1 of section
16 14-07.7-03, regardless of whether the violation was committed in the presence of the
17 officer.

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

21 **14-07.7-19. Assistance of law enforcement.**

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

26 **14-07.7-20. Orders issued before January 1, 2026.**

27 An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or
28 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

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

31 b. The student has:

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

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

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

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a civil protection order under section ~~14-07.1-03~~ or who is protected by a disorderly conduct restraining order under section ~~12.1-31.2-01~~ chapter 14-07.7 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any municipal judge may:

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

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

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

3 ~~4. d. Grant temporary protection orders under the particular circumstances and for the~~
4 ~~limited duration set forth in section 14-07.1-08chapter 14-07.7.~~

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

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

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

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

16 a. The tenant fears imminent domestic violence from a person named in a court
17 order, protection order under ~~section 14-07.1-02, ex parte temporary protection~~
18 ~~order, order prohibiting contact, restraining order,chapter 14-07.7,~~ or other record
19 filed with a court;

20 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,
21 14-07.1-03.1, 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
22 the North Dakota Century Code are repealed.

23 **SECTION 18. EFFECTIVE DATE.** This Act ~~is~~becomes effective on January 1, 2026.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1489
2/18/2025

Relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

9:43 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative McLeod

Discussion Topics:

- Surrendering of firearms
- Temporary violence protection orders

Representative Satrom's Motion to Amend and Representative S. Olson's second to the motion from Feb 18, 2025, 9:18 a.m. meeting reinstated.

9:53 a.m. Representative Satrom revised his motion to Amend LC: 25.0903.01001 (proposed during February 18, 2025, 9:10 a.m. meeting in testimony #37966) to also include proposed changes to page 12 line 9, page 14 lines 10 and 11, and page 16 lines 11, 12, and 18.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:58 a.m. Motion passed 13-0-1

9:58 a.m. Representative Satrom moved to Amend and adopt proposed changes to page 9 lines 4-6 and page 10 lines 27-28.

9:58 a.m. Representative S. Olson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	N
Representative Nels Christianson	N
Representative Donna Henderson	N
Representative Jeff Hoverson	Y
Representative Daniel Johnston	N
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	N

10:01 a.m. Motion passed 8-5-1

10:01 a.m. Representative Satrom moved a Do Pass as Amended.

10:01 a.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	N
Representative Nels Christianson	N
Representative Donna Henderson	N
Representative Jeff Hoverson	Y
Representative Daniel Johnston	N
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	Y

10:05 a.m. Motion passed 8-5-1

10:05 a.m. Representative Satrom will carry the bill.

10:06 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

February 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1489

Introduced by

Representatives Satrom, Klemin, Ostlie

Senator Conley

JB 2-18-25 1016

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

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

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

16 **11-15-32. Issuance of civil protection and ~~restraining~~ orders - Duty of sheriff.**

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

enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a period of one year or until the date of expiration or termination as specified in the order. The order is enforceable in any jurisdiction in this state.

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

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

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

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

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

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

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

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

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

6 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

16 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

25 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-07.1-11. Arrest without warrant.**

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

1 2- A law enforcement officer may arrest ~~a person~~ an individual without a warrant if the
2 arrest is made within twelve hours from the time the officer determines there is
3 probable cause to arrest for an assault of a family or household member as defined in
4 section 14-07.1-01, whether or not the assault took place in the presence of the officer.
5 After twelve hours has elapsed, the officer ~~must~~ shall secure an arrest warrant before
6 making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual
7 pursuant to this subsection without first observing that there has been recent physical
8 injury to, or impairment of physical condition of, the alleged victim. This subsection
9 does not apply to an arrest made by a law enforcement officer in accordance with
10 section 14-07.7-18.

11 ~~3-2.~~ A law enforcement officer may not be held criminally or civilly liable for making an
12 arrest ~~pursuant to~~ under this section if the officer acts in good faith on probable cause
13 and without malice.

14 **SECTION 8. AMENDMENT.** Subsection 1 of section 14-07.1-14 of the North Dakota
15 Century Code is amended and reenacted as follows:

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

23 **SECTION 9. AMENDMENT.** Section 14-07.1-19 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **14-07.1-19. Release conditions.**

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

1 **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the
2 North Dakota Century Code is amended and reenacted as follows:

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

6 **SECTION 11.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted
7 as follows:

8 **14-07.7-01. Definitions.**

9 For purposes of this chapter:

- 10 1. a. "Civil protection order" means a protection order that prohibits the restrained
11 individual from:
12 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,
13 touching, stalking, sexually assaulting, or abusing any protected individual;
14 (2) Entering or remaining on premises;
15 (3) Coming within a specified distance of the protected individual or premises;
16 or
17 (4) Any other action necessary to protect the protected individual from imminent
18 danger to life or health.
19 b. A civil protection order may be a:
20 (1) Disorderly conduct restraining order;
21 (2) Domestic violence protection order; or
22 (3) Sexual assault restraining order.
23 2. "Contact" means any interaction or communication with another individual, directly or
24 indirectly, including electronic, digital, and social media communication.
25 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to
26 adversely affect the safety, security, or privacy of another individual. Disorderly
27 conduct includes human trafficking and attempted human trafficking as defined in
28 title 12.1. Disorderly conduct does not include constitutionally protected activity.
29 4. "Domestic violence" includes physical harm, bodily injury, **stalking**, sexual activity
30 compelled by physical force, assault, or the infliction of fear of imminent physical harm.

- 1 bodily injury, sexual activity compelled by physical force, or assault, not committed in
2 self-defense, on the complaining family or household member.
- 3 5. "Family or household member" means a spouse, family member, former spouse,
4 parent, child, individual related by blood or marriage, individuals in a dating
5 relationship, individuals residing together or who have resided together in the past,
6 individuals with a child in common regardless of relationship status and, for the
7 purpose of the issuance of a civil protection order, any other individual with a sufficient
8 relationship to the abusing individual as determined by the court under section
9 14-07.7-07.
- 10 6. "Protected individual" means the individual identified in a civil protection order issued
11 under this chapter as the individual for whose benefit the civil protection order was
12 issued.
- 13 7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which
14 sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
- 15 8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and
16 disorderly conduct include stalking.
- 17 **14-07.7-02. Petition for civil protection order.**
- 18 1. An individual who is or has been a victim of disorderly conduct, domestic violence, or
19 sexual assault may file a petition for a civil protection order against:
- 20 a. A family or household member who commits an act of domestic violence; or
21 b. An individual who has committed disorderly conduct or sexual assault.
- 22 2. The petition must identify which type of civil protection order is sought.
- 23 3. If the individual to be protected is a minor, the parent-~~or~~, guardian, or attorney guardian
24 ad litem shall file a petition on behalf of the minor. The parent-~~or~~, guardian, or attorney
25 guardian ad litem of the minor is the petitioner and the minor is the protected
26 individual. A minor of sufficient and competent age may petition for a civil protection
27 order on their own behalf.
- 28 4. If the respondent is a minor, the parent or guardian must be notified of the petition and
29 any subsequent order.
- 30 5. The petition must allege facts sufficient to show:
- 31 a. The name of the alleged victim;

- 1 b. The name of the respondent engaging in the alleged conduct; and
- 2 c. The respondent engaged in the alleged conduct.
- 3 6. The petition must contain:
- 4 a. A declaration stating the specific facts and circumstances supporting the relief
- 5 sought; and
- 6 b. A statement listing each civil or criminal action involving both parties.
- 7 7. A petition may be against only one respondent. Dual protection orders in a single
- 8 action are prohibited.
- 9 8. A petition may be brought under this chapter without regard to the commencement of
- 10 an action for legal separation, annulment, divorce, or parenting rights and
- 11 responsibilities.
- 12 9. A filing fee may not be charged for a civil protection order petition.

13 **14-07.7-03. Civil protection order - General provisions - Confidentiality.**

- 14 1. A civil protection order must contain a conspicuous notice to the respondent providing:
- 15 a. The specific conduct that constitutes a violation;
- 16 b. The penalties for violation of the order; and
- 17 c. A peace officer may arrest the respondent without a warrant and take the
- 18 respondent into custody if the peace officer has probable cause to believe the
- 19 respondent violated the order.
- 20 2. The court may amend an order following a motion filed by either party.
- 21 3. An order entered under this chapter expires on the expiration date provided in the
- 22 order at eleven fifty-nine p.m. central standard time.
- 23 4. No order under this chapter affects title to real property.
- 24 5. The name of a protected individual is confidential and must be redacted from a record
- 25 accessible to the public.

26 **14-07.7-04. Temporary disorderly conduct restraining order.**

- 27 1. If the petition for relief alleges reasonable grounds that a respondent engaged in
- 28 disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly
- 29 conduct restraining order ordering the respondent to cease the disorderly conduct or
- 30 contact with the protected individual.
- 31 2. A temporary restraining order may be entered:

- 1 a. Against the respondent named in the petition; and
- 2 b. Without notice to the respondent.
- 3 3. Unless otherwise terminated by the court, the temporary restraining order is in effect
- 4 until an order issued under section 14-07.7-05 is served.

5 **14-07.7-05. Disorderly conduct restraining order.**

- 6 1. The court may grant a disorderly conduct restraining order ordering the respondent to
- 7 cease the disorderly conduct or contact with the protected individual if:
- 8 a. The petitioner files a petition under section 14-07.7-02;
- 9 b. The sheriff serves the respondent with a copy of the temporary restraining order
- 10 issued under section 14-07.7-04 and with notice of the time and place of the
- 11 hearing;
- 12 c. The court sets a hearing for no later than fourteen days after issuance of the
- 13 temporary restraining order, or a later date if good cause is shown; and
- 14 d. After the hearing, the court finds reasonable grounds exist to believe the
- 15 respondent engaged in disorderly conduct.
- 16 2. If a respondent claims to have engaged in constitutionally protected activity, the court
- 17 shall determine the validity of the claim as a matter of law and, if found valid, shall
- 18 exclude evidence of the activity.
- 19 3. Relief granted by the restraining order may not exceed two years.

20 **14-07.7-06. Temporary domestic violence protection order.**

- 21 1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in
- 22 domestic violence, the court, pending a full hearing, may grant a temporary domestic
- 23 violence protection order that may include provisions:
- 24 a. Restraining the respondent from having contact with or committing acts of
- 25 domestic violence on another individual.
- 26 b. Excluding the respondent from the residence of another individual or from a place
- 27 necessary to ensure the safety of the protected individual.
- 28 c. Awarding temporary primary residential responsibility or establishing temporary
- 29 parenting time with regard to minor children.
- 30 d. Requiring the respondent to surrender for safekeeping any firearm or other
- 31 specified dangerous weapon, as defined in section 12.1-01-04, which is in the

1 respondent's possession, custody, or control, if the court has probable cause to
2 believe the respondent is likely to use, display, or threaten to use the firearm or
3 other dangerous weapon in further acts of violence.

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

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

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

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

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

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

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

21 **14-07.7-07. Domestic violence protection order.**

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

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

24 b. The sheriff serves the respondent with a copy of the temporary domestic violence
25 protection order issued under ~~subsection 1~~ section 14-07.7-06 and with notice of
26 the time and place of the hearing;

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

30 d. The court finds after the hearing that:

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

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

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

5 a. Restraining any party from threatening, molesting, injuring, harassing, or having
6 contact with any other 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. Recommending or requiring that the respondent complete a domestic violence
12 offender assessment and attend a domestic violence intervention program as

13 determined appropriate by the court. The court may request a report from the
14 designated program within a time period established by the court. The costs of

15 the court-ordered assessment and subsequent reports must be borne by the
16 respondent or, if indigent, by the respondent's county of residence.

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

19 f. Awarding temporary use of personal property, including motor vehicles, to either
20 party.

21 g. Requiring the respondent to surrender for safekeeping any firearm or other
22 specified dangerous weapon, as defined in section 12.1-01-04, in the

23 respondent's possession, custody, or control, if the court has probable cause to
24 believe the respondent is likely to use, display, or threaten to use the firearm or

25 other dangerous weapon in further acts of violence. If ordered to surrender a

26 firearm or other dangerous weapon, the respondent shall surrender the firearm or
27 dangerous weapon within twenty-four hours of being served or upon the request

28 of a law enforcement officer, whichever is sooner, to:

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

11 of 16

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

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

7 **14-07.7-08. Temporary sexual assault restraining order.**

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

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

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

14 b. Appearing at the residence, school, and place of employment of the protected
15 individual; and

16 c. Contacting the protected individual.

17 **14-07.7-09. Sexual assault restraining order.**

18 1. The court may grant a sexual assault restraining order 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 sexual assault
21 restraining order issued under section 14-07.7-08 and with notice of the time and
22 place of the hearing;

23 c. The court sets a hearing for no later than fourteen days after issuance of the
24 temporary sexual assault restraining order or a later date if good cause is shown;
25 and

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

28 2. The order must include provisions prohibiting the respondent from:

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

30 b. Appearing at the residence, school, and place of employment of the protected
31 individual; and

1 c. Contacting the protected individual.

2 3. The relief granted by the sexual assault restraining order may not exceed two years.

3 **14-07.7-10. Assistance of state's attorney or domestic violence sexual assault**

4 **advocate.**

5 1. Notwithstanding subsection 5 of section 11-16-05, a ~~victim witness coordinator or a~~
6 state's attorney ~~staff member~~ may ~~advise and~~ assist an individual in preparation of
7 documents necessary to secure a civil protection order under this section.

8 2. Notwithstanding section 27-11-01, a domestic violence sexual assault advocate
9 certified under rules of the supreme court may assist an individual in preparation of
10 documents necessary to secure a civil protection order under this chapter and may sit
11 with the petitioner during court proceedings.

12 **14-07.7-11. Notification of stalking law.**

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

15 **14-07.7-12. Service.**

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

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

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

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

25 **14-07.7-13. Right to apply for relief.**

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

29 **14-07.7-14. Appointment of guardian ad litem of minor.**

30 1. The court, upon the request of either party or upon its own motion, may appoint ~~an~~
31 attorney guardian ad litem in an action for a civil protection order to represent a minor

1 concerning primary residential responsibility, support, or parenting time if either party
2 or the court has reason for special concern for the immediate future of the minor.

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

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

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

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

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

18 **14-07.7-15. Nonexclusive remedy.**

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

20 **14-07.7-16. Transmittal to bureau of criminal investigation.**

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

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

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

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

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

8 **14-07.7-17. Penalty for violation of a civil protection order.**

9 When a civil protection order is granted under this chapter and the respondent or individual
10 to be restrained is served a copy of the order, the first violation of any order is a class A
11 misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following
12 a conviction, a second or subsequent violation under this chapter is a class C felony.

13 **14-07.7-18. Arrest without warrant.**

14 1. A law enforcement officer shall arrest an individual without a warrant if the individual
15 has committed the offense of violating a protection order under subsection 1 of section
16 14-07.7-03, regardless of whether the violation was committed in the presence of the
17 officer.

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

21 **14-07.7-19. Assistance of law enforcement.**

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

26 **14-07.7-20. Orders issued before January 1, 2026.**

27 An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or
28 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

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

31 b. The student has:

- 1 (1) ~~An order prohibiting contact~~ a civil protection order issued against the
2 student at the request of another student or employee of the school under
3 ~~section 12.1-31.2-02~~chapter 14-07.7;
- 4 (2) ~~A disorderly conduct restraining order issued against the student at the~~
5 ~~request of another student or employee of the school under section~~
6 ~~12.1-31.2-01, except a temporary restraining order under subsection 4 of~~
7 ~~section 12.1-31.2-01; or~~
- 8 (3) ~~A protection order issued against the student at the request of another~~
9 ~~student or employee of the school, except a temporary protection order~~
10 ~~under section 14-07.1-03;~~

11 **SECTION 13. AMENDMENT.** Section 16.1-02-07 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-02-07. Reporting changes of names - Changes to records in the central voter file.**

14 The state court administrator shall provide for the regular reporting to the secretary of state
15 the name, address, date of birth, and county of residence, if available, of each individual
16 eighteen years of age or older whose name was changed by divorce or any order or decree of
17 the court since the last report. Any individual who has obtained a civil protection order under
18 ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section~~
19 ~~12.1-31.2-01~~chapter 14-07.7 must be listed in the central voter file with a "secured active"
20 designation. A "secured active" designation means a record maintained as an active voter for
21 pollbook purposes, but otherwise is an exempt record. The state court administrator or the
22 bureau of criminal investigation shall make available upon request of the secretary of state the
23 name of each individual who has obtained such an order.

24 **SECTION 14. AMENDMENT.** Section 29-01-15 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **29-01-15. Jurisdiction of municipal judges and small claims court referees.**

- 27 1. Any municipal judge may:
- 28 ~~1.~~ a. Act as committing magistrate; provided, that this subsection does not apply to
29 municipal judges who are not attorneys currently licensed under chapter 27-11.
- 30 ~~2.~~ b. Hear, try, and determine misdemeanors and infractions when jurisdiction has
31 been conferred by the Constitution of North Dakota and this and other laws.

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

3 ~~4. d. Grant temporary protection orders under the particular circumstances and for the~~
4 ~~limited duration set forth in section 14-07.1-08 chapter 14-07.7.~~

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

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

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

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

17 a. The tenant fears imminent domestic violence from a person named in a court
18 order, an order prohibiting contact, or a civil protection order under ~~section 14-~~
19 ~~07.1-02, ex parte temporary protection order, order prohibiting contact,~~
20 ~~restraining order,~~ chapter 14-07.7, or other record filed with a court;

21 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,
22 14-07.1-03.1, 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
23 the North Dakota Century Code are repealed.

24 **SECTION 18. EFFECTIVE DATE.** This Act ~~is~~ becomes effective on January 1, 2026.

**REPORT OF STANDING COMMITTEE
HB 1489**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0903.01002](#)) and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1489 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1489

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1489
4/1/2025

Relating to civil protection orders and to restraining orders and protection orders and to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

2:32 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Consolidation of civil protection orders
- Filing fees and service fees
- Confidentiality of hearings
- Definition of family or household member
- Legislative history and intent

2:32 p.m. Representative Satrom introduced the bill.

2:34 p.m. Sara Behrens, Staff Attorney, ND Supreme Court, testified in favor and submitted testimony #44521.

2:52 p.m. Seth O'Neill, Executive Director, North Dakota Domestic & Sexual Violence Coalition, testified in favor and submitted testimony #44465.

2:57 p.m. Victoria Christian, Legal Counsel, ND Legislative Council, testified as neutral and submitted testimony #44540.

3:08 p.m. Sara Behrens, Staff Attorney, ND Supreme Court, testified as neutral and answered committee questions.

3:11 p.m. Chair Larson adjourned.

Kendra McCann, Committee Clerk



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House Bill No. 1489
Senate Judiciary Committee
Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
April 1, 2025

Chairwoman Larson and the Members of the Senate Judiciary Committee, my name is Seth O'Neill, and I represent the North Dakota Domestic & Sexual Violence Coalition, in support of HB 1489. This bill would consolidate the various civil protection order provisions into one section of the North Dakota Century Code and make a few small adjustments to the law.

The first civil protection order law in North Dakota was passed in the 46th Legislative Assembly in 1979. Our organization (then known as the Council on Abused Women's Services) worked with legislators to pass the first version of the Domestic Violence Protection Order. Since 1979, we have worked on refining the law to ensure it protects victims of domestic and sexual violence including last session when this Committee worked with us to add stalking to the definition of domestic violence. Throughout time, disorderly conduct restraining orders and sexual assault restraining orders were also added.

In addition to the consolidation of the civil protection orders into one area of code, this bill makes some necessary improvements to clarify existing language and make the process more efficient for all parties.

One small amendment I have is to clarify that a family or household member includes individuals who were previously in a dating relationship. Currently, this is not included in the definition of family or household member which it appears was an unintentional error given that other similar relationships are already included.



Amendment:

Page 3, Line 9 after relationship insert "or who were in a dating relationship in the past"

Page 6, line 3 after relationship insert "or who were in a dating relationship in the past"

Chairwoman Larson, and members of the committee, we encourage the committee to give HB 1489 a "Do-Pass" recommendation with the suggested amendment. I appreciate your time and I am happy to answer any questions you may have. Thank You.



House Bill 1489
Senate Judiciary Committee
Testimony Presented by Sara Behrens
April 1, 2025

Good afternoon Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1489 which was submitted at the request of the Supreme Court.

Currently, there are three types of civil restraining/protection orders that can be obtained in North Dakota: disorderly conduct restraining order (DCRO), domestic violence protection order (DVPO), and sexual assault restraining order (SARO).

A DCRO is granted when an individual demonstrates the respondent has committed disorderly conduct which are "intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual." This type of order does not require that there be a relationship of some type between the petitioner and respondent. It can encompass things such as neighbor disputes or even stranger harassment.

To obtain a DVPO, there must exist a particular relationship such as family members, dating relationship, or roommate. A DVPO is granted when an individual demonstrates the respondent has committed acts of domestic violence.

A SARO is granted when an individual demonstrates the respondent has committed sexual assault. This type of order can be granted between those who have a relationship or in instances where there is no relationship.

Each of these orders has specific requirements, but there are also many commonalities in the process. Right now, these types are scattered in the code. Disorderly conduct restraining orders and sexual assault restraining orders are found in the criminal code. DCROs are found easily enough under chapter 12.1-31.2 – Disorderly Conduct Restraining Order. SAROs, however, are hidden in chapter 12.1-31 – Miscellaneous Offenses. DVPOs are found in chapter 14-07.1 – Domestic Violence.

The discussion on these various orders arose in the State Court Administrator's Office due to the issue of service. Currently, there is no filing or service fee associated with either the DVPO or SARO. Someone filing a petition for a DCRO is required to pay the filing fee and service fee unless that petition involves domestic violence. This can cause problems for the petitioner, the clerk's office, and law enforcement trying to determine if domestic violence is sufficiently alleged to not require these fees. The process for DVPOs and SAROs is much more streamlined due to the absence of these fees.

Because these issues were being examined, it made sense to try to make these processes more uniform and centralize them in one place. The Judicial Conference Committee on Legislation formed a subcommittee to accomplish this. The subcommittee included: Judges Cherie Clark and Daniel El-Dweek, district court clerk Crystal Eide,

Seth O'Neill with the North Dakota Domestic & Sexual Violence Coalition, Captain Pat Haug with the Mandan Police Department, Traill County Sheriff Steve Hunt, Stutsman County Sheriff Chad Kaiser, Jeanne Vetter with the Bureau of Criminal Investigation, and Cammie Shock with Judicial Branch IT. The subcommittee made recommendations to the Committee on Legislation which presented this bill following some additional changes. The majority of what is contained in the bill is existing law.

HB 1489 brings the three types of orders under one umbrella term: civil protection order and creates a new chapter. Currently, there are extensive provisions regarding DVPOs but very little regarding the other two types. This bill fleshes out the procedure for all types.

Sections 1-10 of the bill change citations and remove provisions that are now found in the new chapter.

Section 11 creates new chapter 14-07.7 – Civil Protection Orders. Much of what is contained in the new chapter is existing law. Some changes are being proposed to ensure a smoother, easier process for all involved.

14-07.7-01

This is the definition section. It defines what a civil protection order is and indicates that a civil protection order encompasses all three types of existing orders. Definitions are pulled in from the existing sections regarding the three types.

14-07.7-02

This section explains what must be included in a petition for a civil protection order. This section also explains that if there is a minor petitioner, the parent, guardian, or a guardian ad litem is the petitioner and the minor is the protected individual. If the respondent is a minor, the parent or guardian of the minor must be notified of the petition and any resulting orders. Current law does not fully address how minor parties are handled.

One benefit of having all three orders be under the umbrella term “civil protection order” is in the case of an incorrect request. Having all types be a “civil protection order” will enable a court to more easily enter the correct type of order when the incorrect type is requested because it will be the same form for all three. The term civil protection order will also assist in obscuring the type of order entered to protect the petitioner while allowing schools, employers, etc. to know an order exists against a particular respondent in favor of a particular petitioner.

Instead of having a filing fee for only one type of order (and even then, there is the exception for domestic violence allegations), there will be no filing fee for filing a petition for a civil protection order.

14-07.7-03

This section requires that the civil protection order contain a conspicuous notice to the respondent explaining the conduct that constitutes a violation, the penalties, and law

enforcement can arrest the respondent without a warrant for a violation. This is currently only required for DCROs and SAROs.

This section also specifies the time when an order expires which has been ambiguous under current law. The name of a protected individual is confidential and must not be made publicly available.

14-07.7-04 and 14-07.7-05

These sections contain the specifics for temporary DCROs and DCROs which mainly come from the existing DCRO statutes.

14-07.7-06 and 14-07.7-07

These sections contain the specifics for temporary DVPOs and DVPOs, much of which comes from the existing DVPO statutes. Some additional time frames have been added to clarify procedure for law enforcement. The relief provisions were altered to clarify that a judge can exclude a respondent from those places necessary to protect the protected individual.

14-07.7-08 and 14-07.7-09

These sections contain the specifics for temporary SAROs and SAROs which mainly come from the existing SARO statutes.

14-07.7-10

This section provides that a victim witness coordinator, staff of a state's attorney, or a domestic violence sexual assault advocate can assist an individual with preparation of documents and, the advocate may sit with the petitioner during court proceedings. We are requesting one small amendment to the wording of the domestic violence advocate on page 11, lines 27-28. The type of advocate is a "certified domestic violence sexual assault advocate" and is defined under Supreme Court rule. The Court doesn't actually certify the advocate.

14-07.7-11

Currently, notification of the stalking law is required to be included with a DVPO but not the other two types. It made sense to have the same requirement for all three.

14-07.7-12

This section creates uniformity with service. Anytime an order is issued, extended, modified, or terminated, the court will send a copy to the sheriff for service on the respondent and no service fee will be charged. Right now, the process is different for DCROs (unless domestic violence is alleged) which creates difficulty and confusion for everyone involved.

14-07.7-13

This section makes clear that an individual can apply for a civil protection order even if the individual had to leave a residence due to domestic violence. This is an existing statute.

14-07.7-14

This section allows for appointment of a guardian ad litem when a minor is involved and if the court deems it necessary.

14-07.7-15

This section provides that a petition for a civil protection order can be brought even if other civil or criminal remedies may apply.

14-07.7-16

This section requires the civil protection order be transmitted to the bureau of criminal investigation whenever an order is issued, extended, modified, or terminated for inclusion in the national crime information center database provided by the FBI.

14-07.7-17

This section standardizes the penalty for violation of a civil protection order. A violation of any order is a class A misdemeanor and constitutes contempt of court. Following a conviction, a second or subsequent violation is a C felony.

14-07.7-18

Like current statute applying to all three types, a respondent can be arrested without a warrant if the officer has probable cause that the respondent has violated the order.

14-07.7-19

This section is currently found in the DVPO statutes but would have application across all types when there is a need for assistance in obtaining possession of a dwelling or otherwise execute the order.

14-07.7-20

This section provides that any order issued under existing law prior to the effective date of the legislation remains in effect as provided in the order.

Sections 12 through 16 make citations changes to correspond with the new chapter.

Section 17 repeals the existing statutes governing disorderly conduct restraining orders, domestic violence protection orders, and sexual assault restraining orders. I will note that section 14-07.1-08 is not being carried over into this bill. That section allowed emergency orders to be entered by a magistrate when the court is unavailable. This was a remnant remaining from when there were county courts. This is no longer an issue.

Section 18 provides for an effective date of January 1, 2026. The delayed effective date is to allow the judicial IT department to rewrite the system to correspond with the

new provisions and to allow the Supreme Court's Self-Help Center to draft new forms and instructions.

Thank you for your consideration and we urge a do pass.

25.0903.03001
Title.

Prepared by the Legislative Council
staff for Senator Larson
March 31, 2025

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 14-07.1-03chapter 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 ~~14-07.1-11~~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 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 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 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 or~~
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.¶

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1489
4/2/2025

Relating to civil protection orders and to restraining orders and protection orders and to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

3:31 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Confidentiality of protected individuals
- Court records access for law enforcement

3:31 p.m. Victoria Christian, Counsel for Legislative Council, introduced proposed amendment LC# 25.0903.03003 and submitted testimony #44582.

3:35 p.m. Senator Myrdal moved amendment LC# 25.0903.03003.

3:35 p.m. Senator Braunberger seconded.

3:35 p.m. Voice Vote - Motion Passed.

3:35 p.m. Senator Myrdal moved a Do Pass as amended.

3:35 p.m. Senator Luick seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

3:36 p.m. Chair Larson will carry the bill.

3:36 p.m. Committee discussion on upcoming schedule.

Additional written testimony:

Senator Diane Larson, North Dakota State Senate, submitted testimony as neutral #44550.

3:39 p.m. Chair Larson adjourned.

Kendra McCann, Committee Clerk

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

VC 4/2/25
1 of 17

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

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

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

16 **11-15-32. Issuance of civil protection and restraining orders - Duty of sheriff.**

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

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

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

6 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
7 **and restraining orders.**

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

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

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

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

24 **14-05-23. Temporary support, attorney's fees, and parental rights and**
25 **responsibilities.**

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

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

6 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

16 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

25 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-07.1-11. Arrest without warrant.**

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

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

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

SECTION 10. AMENDMENT. Subdivision a of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. Chapter 14-07.7 of the North Dakota Century Code is created and enacted as follows:

14-07.7-01. Definitions.

For purposes of this chapter:

1. a. "Civil protection order" means a protection order that prohibits the restrained individual from:
 - (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
 - (2) Entering or remaining on premises;
 - (3) Coming within a specified distance of the protected individual or premises;
or
 - (4) Any other action necessary to protect the protected individual from imminent danger to life or health.
- b. A civil protection order may be a:
 - (1) Disorderly conduct restraining order;
 - (2) Domestic violence protection order; or
 - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm.

1 bodily injury, sexual activity compelled by physical force, or assault, not committed in
2 self-defense, on the complaining family or household member.

3 5. "Family or household member" means a spouse, family member, former spouse,
4 parent, child, individual related by blood or marriage, individuals who are or were in a
5 dating relationship, individuals residing together or who have resided together in the
6 past, individuals with a child in common regardless of relationship status and, for the
7 purpose of the issuance of a civil protection order, any other individual with a sufficient
8 relationship to the abusing individual as determined by the court under section
9 14-07.7-07.

10 6. "Protected individual" means the individual identified in a civil protection order issued
11 under this chapter as the individual for whose benefit the civil protection order was
12 issued.

13 7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which
14 sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

15 8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and
16 disorderly conduct include stalking.

17 **14-07.7-02. Petition for civil protection order.**

18 1. An individual who is or has been a victim of disorderly conduct, domestic violence, or
19 sexual assault may file a petition for a civil protection order against:

- 20 a. A family or household member who commits an act of domestic violence; or
21 b. An individual who has committed disorderly conduct or sexual assault.

22 2. The petition must identify which type of civil protection order is sought.

23 3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian
24 ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney
25 guardian ad litem of the minor is the petitioner and the minor is the protected
26 individual. A minor of sufficient and competent age may petition for a civil protection
27 order on their own behalf.

28 4. If the respondent is a minor, the parent or guardian must be notified of the petition and
29 any subsequent order.

30 5. The petition must allege facts sufficient to show:

- 31 a. The name of the alleged victim;

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

7. A hearing on a petition for a domestic violence protection order filed under section 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is closed to the public. The court shall allow to be present the parties, the parties' attorneys, the state's attorney, the protected individual, any witness, and a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules. The court may allow to be present any other individual the court determines has a proper interest in the hearing.

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

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.
2. If a respondent claims to have engaged in constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-07.7-07. Domestic violence protection order.

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

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

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

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

d. The court finds after the hearing that:

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

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

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

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

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

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

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

e. Requiring a party to pay any support necessary for the support of a party and any 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 certified domestic violence sexual assault
- 21 advocate ~~certified~~, as defined under ~~rules of the supreme court~~ the North Dakota
- 22 Supreme Court Administrative Rules, may assist an individual in preparation of
- 23 documents necessary to secure a civil protection order under this chapter and may sit
- 24 with the petitioner during court proceedings.

25 **14-07.7-11. Notification of stalking law.**

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

28 **14-07.7-12. Service.**

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

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

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

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

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

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

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

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

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

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

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

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

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

14-07.7-15. Nonexclusive remedy.

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

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

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with bureau and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

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

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

14-07.7-18. Arrest without warrant.

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

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

14-07.7-19. Assistance of law enforcement.

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

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

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

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

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under ~~section 12.1-31.2-02~~ chapter 14-07.7;
- (2) ~~A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- (3) ~~A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any municipal judge may:

- ~~1.~~ a. Act as committing magistrate; provided, that this subsection does not apply to municipal judges who are not attorneys currently licensed under chapter 27-11.
- ~~2.~~ b. Hear, try, and determine misdemeanors and infractions when jurisdiction has been conferred by the Constitution of North Dakota and this and other laws.
- ~~3.~~ c. Adjudge and impose the punishment prescribed by law, upon conviction, in all cases within the municipal judge's jurisdiction to hear, try, and determine.
- ~~4.~~ d. ~~Grant temporary protection orders under the particular circumstances and for the limited duration set forth in section 14-07.1-08.~~

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

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

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

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

- 1 a. The tenant fears imminent domestic violence from a person named in a court
2 order, an order prohibiting contact, or a civil protection order under ~~section 14-~~
3 ~~07.1-02, ex parte temporary protection order, order prohibiting contact,~~
4 ~~restraining order, chapter 14-07.7,~~ or other record filed with a court;

5 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,
6 14-07.1-03.1, 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
7 the North Dakota Century Code are repealed.

8 **SECTION 18. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1489**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** **(25.0903.03003)** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1489 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0903.03002
Title.

Prepared by the Legislative Council
staff for Senator Larson
April 1, 2025

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

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

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

16 **11-15-32. Issuance of civil protection and ~~restraining~~ orders - Duty of sheriff.**

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

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

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

6 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
7 **and restraining orders.**

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

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

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

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

24 **14-05-23. Temporary support, attorney's fees, and parental rights and**
25 **responsibilities.**

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

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

6 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

16 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

25 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-07.1-11. Arrest without warrant.**

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

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

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

1 **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the
2 North Dakota Century Code is amended and reenacted as follows:

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

6 **SECTION 11.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted
7 as follows:

8 **14-07.7-01. Definitions.**

9 For purposes of this chapter:

- 10 1. a. "Civil protection order" means a protection order that prohibits the restrained
11 individual from:
12 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,
13 touching, stalking, sexually assaulting, or abusing any protected individual;
14 (2) Entering or remaining on premises;
15 (3) Coming within a specified distance of the protected individual or premises;
16 or
17 (4) Any other action necessary to protect the protected individual from imminent
18 danger to life or health.
19 b. A civil protection order may be a:
20 (1) Disorderly conduct restraining order;
21 (2) Domestic violence protection order; or
22 (3) Sexual assault restraining order.
23 2. "Contact" means any interaction or communication with another individual, directly or
24 indirectly, including electronic, digital, and social media communication.
25 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to
26 adversely affect the safety, security, or privacy of another individual. Disorderly
27 conduct includes human trafficking and attempted human trafficking as defined in
28 title 12.1. Disorderly conduct does not include constitutionally protected activity.
29 4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity
30 compelled by physical force, assault, or the infliction of fear of imminent physical harm.

bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.

5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals who are or were in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.

7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

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

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:

a. A family or household member who commits an act of domestic violence; or

b. An individual who has committed disorderly conduct or sexual assault.

2. The petition must identify which type of civil protection order is sought.

3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney guardian ad litem of the minor is the petitioner and the minor is the protected individual. A minor of sufficient and competent age may petition for a civil protection order on their own behalf.

4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.

5. The petition must allege facts sufficient to show:

a. The name of the alleged victim;

- 1 b. The name of the respondent engaging in the alleged conduct; and
- 2 c. The respondent engaged in the alleged conduct.
- 3 6. The petition must contain:
- 4 a. A declaration stating the specific facts and circumstances supporting the relief
- 5 sought; and
- 6 b. A statement listing each civil or criminal action involving both parties.
- 7 7. A petition may be against only one respondent. Dual protection orders in a single
- 8 action are prohibited.
- 9 8. A petition may be brought under this chapter without regard to the commencement of
- 10 an action for legal separation, annulment, divorce, or parenting rights and
- 11 responsibilities.
- 12 9. A filing fee may not be charged for a civil protection order petition.

13 **14-07.7-03. Civil protection order - General provisions - Confidentiality.**

- 14 1. A civil protection order must contain a conspicuous notice to the respondent providing:
- 15 a. The specific conduct that constitutes a violation;
- 16 b. The penalties for violation of the order; and
- 17 c. A peace officer may arrest the respondent without a warrant and take the
- 18 respondent into custody if the peace officer has probable cause to believe the
- 19 respondent violated the order.
- 20 2. The court may amend an order following a motion filed by either party.
- 21 3. An order entered under this chapter expires on the expiration date provided in the
- 22 order at eleven fifty-nine p.m. central standard time.
- 23 4. No order under this chapter affects title to real property.
- 24 5. A court record maintained in relation to a civil protection order is open to inspection by
- 25 a law enforcement officer.
- 26 6. The name of a protected individual subject to a domestic violence protection order or a
- 27 sexual assault restraining order under this chapter is confidential and must be
- 28 redacted from a record accessible to the public.
- 29 7. A hearing on a petition for a domestic violence protection order filed under section
- 30 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is
- 31 closed to the public. The court shall allow to be present the parties, the parties'

attorneys, the state's attorney, the protected individual, any witness, and a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules. The court may allow to be present any other individual the court determines has a proper interest in the hearing.

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

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.
2. If a respondent claims to have engaged in constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
3. Relief granted by the restraining order may not exceed two years.

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

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

 - a. Restraining the respondent from having contact with or committing acts of domestic violence on another individual.
 - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
 - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
 - d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, which is in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence.
2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:

 - a. The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
 - b. The chief of police, or the chief's designee, of the city in which the respondent resides.
3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.
4. A temporary domestic violence protection order may be entered only against the respondent named in the petition.
5. The court may issue a temporary domestic violence protection order without giving 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.

f. Awarding temporary use of personal property, including motor vehicles, to either party.

g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:

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

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

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

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

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

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

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

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

c. Contacting the protected individual.

14-07.7-09. Sexual assault restraining order.

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

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 **certified** domestic violence sexual assault
21 advocate ~~certified~~, as defined under ~~rules of the supreme court~~ **the North Dakota**
22 **Supreme Court Administrative Rules**, may assist an individual in preparation of
23 documents necessary to secure a civil protection order under this chapter and may sit
24 with the petitioner during court proceedings.

25 **14-07.7-11. Notification of stalking law.**

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

28 **14-07.7-12. Service.**

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

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

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

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

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

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

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

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

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

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

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

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

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

14-07.7-15. Nonexclusive remedy.

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

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

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with bureau and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

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

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

14-07.7-18. Arrest without warrant.

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

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

14-07.7-19. Assistance of law enforcement.

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

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

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

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

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under ~~section 12.1-31.2-02~~ chapter 14-07.7;
- (2) ~~A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- (3) ~~A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of 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 14. 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.~~ d. ~~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 15. 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 16. 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:

- 1 a. The tenant fears imminent domestic violence from a person named in a court
2 order, an order prohibiting contact, or a civil protection order under section 14-
3 ~~07.1-02, ex parte temporary protection order, order prohibiting contact,~~
4 ~~restraining order, chapter 14-07.7,~~ or other record filed with a court;

5 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,
6 14-07.1-03.1, 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
7 the North Dakota Century Code are repealed.

8 **SECTION 18. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.

25.0903.03003
Title.

Prepared by the Legislative Council
staff for Senator Larson
April 2, 2025

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

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

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

16 **11-15-32. Issuance of civil protection and ~~restraining~~ orders - Duty of sheriff.**

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

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

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

6 **12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact,**
7 **and restraining orders.**

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

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

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

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

24 **14-05-23. Temporary support, attorney's fees, and parental rights and**
25 **responsibilities.**

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

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

6 **SECTION 5. AMENDMENT.** Subsection 4 of section 14-07.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

16 **SECTION 6. AMENDMENT.** Section 14-07.1-02.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **14-07.1-02.1. Allegation of domestic violence - Effect.**

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

25 **SECTION 7. AMENDMENT.** Section 14-07.1-11 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **14-07.1-11. Arrest without warrant.**

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

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

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

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

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

1 **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the
2 North Dakota Century Code is amended and reenacted as follows:

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

6 **SECTION 11.** Chapter 14-07.7 of the North Dakota Century Code is created and enacted
7 as follows:

8 **14-07.7-01. Definitions.**

9 For purposes of this chapter:

- 10 1. a. "Civil protection order" means a protection order that prohibits the restrained
11 individual from:
12 (1) Contacting, harassing, injuring, intimidating, molesting, threatening,
13 touching, stalking, sexually assaulting, or abusing any protected individual;
14 (2) Entering or remaining on premises;
15 (3) Coming within a specified distance of the protected individual or premises;
16 or
17 (4) Any other action necessary to protect the protected individual from imminent
18 danger to life or health.
19 b. A civil protection order may be a:
20 (1) Disorderly conduct restraining order;
21 (2) Domestic violence protection order; or
22 (3) Sexual assault restraining order.
23 2. "Contact" means any interaction or communication with another individual, directly or
24 indirectly, including electronic, digital, and social media communication.
25 3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to
26 adversely affect the safety, security, or privacy of another individual. Disorderly
27 conduct includes human trafficking and attempted human trafficking as defined in
28 title 12.1. Disorderly conduct does not include constitutionally protected activity.
29 4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity
30 compelled by physical force, assault, or the infliction of fear of imminent physical harm.

bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.

5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals who are or were in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.

7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.

8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

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

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:

a. A family or household member who commits an act of domestic violence; or

b. An individual who has committed disorderly conduct or sexual assault.

2. The petition must identify which type of civil protection order is sought.

3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney guardian ad litem of the minor is the petitioner and the minor is the protected individual. A minor of sufficient and competent age may petition for a civil protection order on their own behalf.

4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.

5. The petition must allege facts sufficient to show:

a. The name of the alleged victim;

1 b. The name of the respondent engaging in the alleged conduct; and

2 c. The respondent engaged in the alleged conduct.

3 6. The petition must contain:

4 a. A declaration stating the specific facts and circumstances supporting the relief
5 sought; and

6 b. A statement listing each civil or criminal action involving both parties.

7 7. A petition may be against only one respondent. Dual protection orders in a single
8 action are prohibited.

9 8. A petition may be brought under this chapter without regard to the commencement of
10 an action for legal separation, annulment, divorce, or parenting rights and
11 responsibilities.

12 9. A filing fee may not be charged for a civil protection order petition.

13 **14-07.7-03. Civil protection order - General provisions - Confidentiality.**

14 1. A civil protection order must contain a conspicuous notice to the respondent providing:

15 a. The specific conduct that constitutes a violation;

16 b. The penalties for violation of the order; and

17 c. A peace officer may arrest the respondent without a warrant and take the
18 respondent into custody if the peace officer has probable cause to believe the
19 respondent violated the order.

20 2. The court may amend an order following a motion filed by either party.

21 3. An order entered under this chapter expires on the expiration date provided in the
22 order at eleven fifty-nine p.m. central standard time.

23 4. No order under this chapter affects title to real property.

24 5. A court record maintained in relation to a civil protection order is open to inspection by
25 a law enforcement officer.

26 6. The name of a protected individual in a case involving domestic violence or sexual
27 assault under this chapter is confidential and must be redacted from a record
28 accessible to the public. Any record that may reveal the identity or location of a
29 protected individual in a case involving domestic violence or sexual assault under this
30 chapter is confidential.

1 7. A hearing on a petition for a domestic violence protection order filed under section
2 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is
3 closed to the public. The court shall allow to be present the parties, the parties'
4 attorneys, the state's attorney, the protected individual, any witness, and a certified
5 domestic violence sexual assault advocate, as defined under the North Dakota
6 supreme court administrative rules. The court may allow to be present any other
7 individual the court determines has a proper interest in the hearing.

8 **14-07.7-04. Temporary disorderly conduct restraining order.**

- 9 1. If the petition for relief alleges reasonable grounds that a respondent engaged in
10 disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly
11 conduct restraining order ordering the respondent to cease the disorderly conduct or
12 contact with the protected individual.
- 13 2. A temporary restraining order may be entered:
- 14 a. Against the respondent named in the petition; and
- 15 b. Without notice to the respondent.
- 16 3. Unless otherwise terminated by the court, the temporary restraining order is in effect
17 until an order issued under section 14-07.7-05 is served.

18 **14-07.7-05. Disorderly conduct restraining order.**

- 19 1. The court may grant a disorderly conduct restraining order ordering the respondent to
20 cease the disorderly conduct or contact with the protected individual if:
- 21 a. The petitioner files a petition under section 14-07.7-02;
- 22 b. The sheriff serves the respondent with a copy of the temporary restraining order
23 issued under section 14-07.7-04 and with notice of the time and place of the
24 hearing;
- 25 c. The court sets a hearing for no later than fourteen days after issuance of the
26 temporary restraining order, or a later date if good cause is shown; and
- 27 d. After the hearing, the court finds reasonable grounds exist to believe the
28 respondent engaged in disorderly conduct.
- 29 2. If a respondent claims to have engaged in constitutionally protected activity, the court
30 shall determine the validity of the claim as a matter of law and, if found valid, shall
31 exclude evidence of the activity.

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

2 **14-07.7-06. Temporary domestic violence protection order.**

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

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

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

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

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

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

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

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

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

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

30 5. The court may issue a temporary domestic violence protection order without giving
31 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 **certified** domestic violence sexual assault
21 advocate ~~certified~~, as defined under ~~rules of the supreme court~~the **North Dakota**
22 **supreme court administrative rules**, may assist an individual in preparation of
23 documents necessary to secure a civil protection order under this chapter and may sit
24 with the petitioner during court proceedings.

25 **14-07.7-11. Notification of stalking law.**

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

28 **14-07.7-12. Service.**

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

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

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

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

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

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

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

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

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

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

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

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

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

14-07.7-15. Nonexclusive remedy.

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

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

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with bureau and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

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

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

14-07.7-18. Arrest without warrant.

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

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

14-07.7-19. Assistance of law enforcement.

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

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

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

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

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under ~~section 12.1-31.2-02~~chapter 14-07.7;
- (2) ~~A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- (3) ~~A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

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

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of 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 14. 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 15. 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 16. 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:

- 1 a. The tenant fears imminent domestic violence from a person named in a court
2 order, an order prohibiting contact, or a civil protection order under section 14-
3 ~~07.1-02, ex parte temporary protection order, order prohibiting contact,~~
4 ~~restraining order, chapter 14-07.7,~~ or other record filed with a court;

5 **SECTION 17. REPEAL.** Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03,
6 14-07.1-03.1, 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
7 the North Dakota Century Code are repealed.

8 **SECTION 18. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.