

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1268

Introduced by

Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider, Vetter

Senators Braunberger, Larson, Lee, Sickler

1 A BILL for an Act to create and enact a new subsection to section 14-07.1-02 of the North
2 Dakota Century Code, relating to the definition of domestic violence and stalking; to amend and
3 reenact ~~section 14-07.1-01 and~~ subsection 3 of section 14-07.1-02 of the North Dakota Century
4 Code, relating to ~~the definition of stalking and~~ domestic violence protection orders; and to
5 provide a penalty.

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

7 ~~—SECTION 1. AMENDMENT. Section 14-07.1-01 of the North Dakota Century Code is-~~
8 ~~amended and reenacted as follows:~~

9 ~~—14-07.1-01. Definitions.~~

10 ~~—1. "Department" means the department of health and human services.~~

11 ~~—2. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity~~
12 ~~compelled by physical force, assault, or the infliction of fear of imminent physical harm,~~
13 ~~bodily injury, sexual activity compelled by physical force, or assault, not committed in~~
14 ~~self-defense, on the complaining family or household members.~~

15 ~~—3. "Domestic violence sexual assault organization" means a private, nonprofit~~
16 ~~organization whose primary purpose is to provide emergency housing,~~
17 ~~twenty-four-hour crisis lines, advocacy, supportive peer counseling, community~~
18 ~~education, and referral services for victims of domestic violence and sexual assault.~~

19 ~~—4. "Family or household member" means a spouse, family member, former spouse,~~
20 ~~parent, child, persons related by blood or marriage, persons who are in a dating~~
21 ~~relationship, persons who are presently residing together or who have resided~~
22 ~~together in the past, persons who have a child in common regardless of whether they~~
23 ~~are or have been married or have lived together at any time, and, for the purpose of~~
24 ~~the issuance of a domestic violence protection order, any other person with a sufficient~~

- 1 ~~relationship to the abusing person as determined by the court under section-~~
2 ~~14-07.1-02.~~
3 ~~5. "Law enforcement officer" means a public servant authorized by law or by a~~
4 ~~government agency to enforce the law and to conduct or engage in investigations of~~
5 ~~violations of law.~~
6 ~~6. "Predominant aggressor" means an individual who is the most significant, not~~
7 ~~necessarily the first, aggressor.~~
8 ~~7. "Stalking" has the meaning provided for the term "stalk" in section 12.1-17-07.1.~~
9 ~~8. "Willfully" means willfully as defined in section 12.1-02-02.~~

10 **SECTION 1. AMENDMENT.** Subsection 3 of section 14-07.1-02 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 3. Service must be made upon the respondent at least five days prior to before the
13 hearing. Service of the hearing notice, for a protection order under this section or for
14 an ex parte temporary protection order under section 14-07.1-03, must be attempted
15 by personal service before service by publication under rule 4 of the North Dakota
16 Rules of Civil Procedure may be attempted. If service cannot be made, or if additional
17 time is required to complete service by publication, the court may set a new date.

18 **SECTION 2.** A new subsection to section 14-07.1-02 of the North Dakota Century Code is
19 created and enacted as follows:

20 As used in this section and in section 14-07.1-03:

- 21 a. "Domestic violence" has the meaning provided in section 14-07.1-01 and
22 includes stalking.
23 b. "Stalking" has the meaning provided for in the term "stalk" in section
24 12.1-17-07.1.