

SENATE BILL NO. 2303

Introduced by

Senators D. Larson, Luick, Schaible

Representatives Karls, Keiser

1 A BILL for an Act to amend and reenact subsections 2 and 7 of section 12.1-32-15 of the North
2 Dakota Century Code, relating to registration requirements for sexual offenders.

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

4 **SECTION 1. AMENDMENT.** Subsections 2 and 7 of section 12.1-32-15 of the North Dakota
5 Century Code are amended and reenacted as follows:

- 6 2. The court shall impose, in addition to any penalty provided by law, a requirement that
7 the individual register, within three days of coming into a county in which the individual
8 resides, is homeless, or within the period identified in this section that the individual
9 becomes temporarily domiciled. The individual must register with the chief of police of
10 the city of the individual's place of residence, or the sheriff of the county if the
11 individual resides, ~~attends school, or is employed~~ in an area other than a city. A
12 homeless individual shall register every three days with the sheriff or chief of police of
13 the jurisdiction in which the individual is physically present. The court shall require an
14 individual to register by stating this requirement on the court records, if that individual:
- 15 a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual
16 offender or an attempted felonious sexual offender, including juvenile delinquent
17 adjudications of equivalent offenses unless the offense is listed in subdivision c.
 - 18 b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender
19 for, a misdemeanor or attempted misdemeanor. The court may deviate from
20 requiring an individual to register if the court first finds the individual is no more
21 than three years older than the victim if the victim is a minor, the individual has
22 not previously been convicted as a sexual offender or of a crime against a child,
23 and the individual did not exhibit mental abnormality or predatory conduct in the
24 commission of the offense.

- 1 c. Is a juvenile found delinquent under subdivision d of subsection 1 of section
2 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual
3 offender for a misdemeanor. The court may deviate from requiring the juvenile to
4 register if the court first finds the juvenile has not previously been convicted as a
5 sexual offender or for a crime against a child, and the juvenile did not exhibit
6 mental abnormality or predatory conduct in the commission of the offense.
- 7 d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a
8 child or an attempted crime against a child, including juvenile delinquent
9 adjudications of equivalent offenses. Except if the offense is described in section
10 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent
11 of the victim, the court may deviate from requiring an individual to register if the
12 court first finds the individual has not previously been convicted as a sexual
13 offender or for a crime against a child, and the individual did not exhibit mental
14 abnormality or predatory conduct in the commission of the offense.
- 15 e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated
16 delinquent of any crime against another individual which is not otherwise
17 specified in this section if the court determines that registration is warranted by
18 the nature of the crime and therefore orders registration for the individual. If the
19 court orders an individual to register as an offender under this section, the
20 individual shall comply with all of the registration requirements in this chapter.
- 21 7. Registration consists of a written statement signed by the individual, giving the
22 information required by the attorney general, and the biometric data and photograph of
23 the individual. An individual who is not required to provide a sample of blood and other
24 body fluids under section 31-13-03 or by the individual's state or court of conviction or
25 adjudication shall submit a sample of blood and other body fluids for inclusion in a
26 centralized database of DNA identification records under section 31-13-05. The
27 collection, submission, testing and analysis of, and records produced from, samples of
28 blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile
29 comparison is admissible in accordance with section 31-13-02. A report of the DNA
30 analysis certified by the state crime laboratory is admissible in accordance with section
31 31-13-05. A district court shall order an individual who refuses to submit a sample of

1 blood or other body fluids for registration purposes to show cause at a specified time
2 and place why the individual should not be required to submit the sample required
3 under this subsection. Within three days after registration, the registering law
4 enforcement agency shall forward the statement, biometric data, and photograph to
5 the attorney general and shall submit the sample of the individual's blood and body
6 fluids to the state crime laboratory. If an individual required to register under this
7 section has a change in vehicle or computer online identity, the individual shall inform
8 in writing, within three days after the change, the law enforcement agency ~~with which~~
9 ~~that individual last registered~~ having local jurisdiction of the individual's place of
10 residence of the individual's new vehicle or computer online identity. If an individual
11 required to register pursuant to this section has a change in name, school, or
12 residence or employment address, that individual shall inform in writing, at least ten
13 days before the change, the law enforcement agency ~~with which that individual last~~
14 ~~registered~~ having local jurisdiction of the individual's place of residence of the
15 individual's new name, school, residence address, or employment address. A change
16 in school or employment address includes the termination of school or employment for
17 which an individual required to register under this section shall inform in writing within
18 five days of the termination the law enforcement agency ~~with which the individual last~~
19 ~~registered~~ having local jurisdiction of the individual's place of residence. The law
20 enforcement agency, within three days after receipt of the information, shall forward it
21 to the attorney general. The attorney general shall forward the appropriate registration
22 data to the law enforcement agency having local jurisdiction of the new place of
23 residence, school, or employment. Upon a change of address, the individual required
24 to register also shall ~~also~~ register within three days at the law enforcement agency
25 having local jurisdiction of the new place of residence, ~~school, or employment~~. The
26 individual registering under this section shall periodically confirm the information
27 required under this subsection in a manner and at an interval determined by the
28 attorney general. A law enforcement agency that has previously registered an offender
29 may omit the biometric data portion of the registration if that agency has a set of
30 biometric data on file for that individual and is personally familiar with and can visually

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- 1 identify the offender. These provisions also apply in any other state that requires
- 2 registration.