

HOUSE BILL NO. 1465

Introduced by

Representatives Meier, Buffalo, Hanson, K. Koppelman, Roers Jones

Senators Dever, Hogan, Myrdal

1 A BILL for an Act to amend and reenact sections 12.1-20-16 and 12.1-29-06 of the North
2 Dakota Century Code, relating to appointment of guardian ad litem in prosecution for sex
3 offenses and solicitation offense; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-20-16 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-20-16. Appointment of a guardian ad litem in prosecution for sex offenses.**

8 A minor or a ~~person~~individual with a developmental disability who is a material or
9 prosecuting witness in a criminal proceeding involving an act in violation of sections 12.1-20-01
10 through 12.1-20-08, ~~or~~ section 12.1-20-11, ~~or~~ chapter 12.1-41, may, at the discretion of the
11 district court, have the witness' interests represented by a guardian ad litem at all stages of the
12 proceedings arising from the violation. The appointment may be made upon the order of the
13 court on its own motion or at the request of a party to the action. The guardian ad litem may, but
14 need not, be a licensed attorney and must be designated by the court after due consideration is
15 given to the desires and needs of the minor or the ~~person~~individual with a developmental
16 disability. ~~A person~~An individual who is also a material witness or prosecuting witness in the
17 same proceeding may not be designated guardian ad litem. The guardian ad litem must receive
18 notice of and may attend all depositions, hearings, and trial proceedings to support the minor or
19 the ~~person~~individual with a developmental disability and advocate for the protection of the minor
20 or the ~~person~~individual with a developmental disability but may not separately introduce
21 evidence or directly examine or cross-examine witnesses. The expenses of the guardian ad
22 litem, when approved by the judge, must be paid by the supreme court. The state shall also pay
23 the expenses of the guardian ad litem in commitment proceedings held in district court pursuant
24 to chapter 25-03.1.

1 **SECTION 2. AMENDMENT.** Section 12.1-29-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12.1-29-06. Hiring an individual to engage in sexual activity.**

4 ~~An~~Except as provided in section ~~12.1-41-06~~, an individual who hires or offers or agrees to
5 hire another individual with the intention of engaging in sexual activity is guilty of:

- 6 1. A class B misdemeanor for a first offense; and
7 2. A class A misdemeanor for a second or subsequent offense within ten years.