

PROPOSED AMENDMENTS TO SENATE BILL NO. 2185

Page 1, line 8, replace "resides" with "is present" and replace "in violation of section 12-56-01 is guilty of a class C felony" with "without the permission of the officer of this state designated under subsection 5 of section 12-56-01 and who does not leave this state within seven days after being notified by a law enforcement officer that the individual may not remain in this state without such permission, is guilty of a class C felony. Within twenty four hours after a law enforcement officer has notified an individual that the individual may not remain within the state without the permission of the designated officer, the law enforcement officer shall report the notification to the designated officer. An individual who is on parole or probation in another state may not remain in this state without the permission of the officer of this state designated under subsection 5 of section 12-56-01. In a prosecution for an offense under this section, an individual's good-faith belief that the individual received permission to be present in this state is an affirmative defense if the individual acted in reasonable reliance upon the statements of an authorized officer of this state or the state in which the individual is on parole or probation. This defense is not available to a person who remains present in this state after being notified in writing by the designated officer of this state that the individual does not have permission to be present"

Renumber accordingly