

Fifty-seventh  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1208

Introduced by

Representatives Klemin, Mahoney

Senator Watne

1 A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code,  
2 relating to DNA testing.

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

4 **SECTION 1. AMENDMENT.** Section 31-13-03 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **31-13-03. Persons to be tested - Costs.** The court shall order any person convicted  
7 on or after August 1, 1995, of any sexual offense or attempted sexual offense in violation of  
8 sections 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-06, subdivision e or f of  
9 subsection 1 of section 12.1-20-07, or section 12.1-20-11 or any other offense when the court  
10 finds at sentencing that the person engaged in a nonconsensual sexual act or sexual contact  
11 with another person during, in the course of, or as a result of, the offense and any person who  
12 is in the custody of the department ~~on or after August 1~~ July 31, 1995, as a result of a  
13 conviction of one of these offenses to have a sample of blood and other body fluids taken by  
14 the department for DNA law enforcement identification purposes and inclusion in law  
15 enforcement identification data bases. Upon certification by the department that federal funds  
16 have been received and will be used to pay the cost of DNA testing ordered by the court, the  
17 court shall order any person convicted after July 31, 2001, for a felony violation contained in  
18 chapter 12.1-16, 12.1-17, or 12.1-18, section 12.1-22-01, or chapter 12.1-27.2 and any person  
19 who is in the custody of the department after July 31, 2001, as a result of a conviction for one of  
20 these offenses to have a sample of blood and other body fluids taken by the department for  
21 DNA law enforcement identification purposes and inclusion in the law enforcement identification  
22 data bases. Notwithstanding any other provision of law, if the sentencing court has not  
23 previously ordered a sample of blood and other body fluids to be taken, the court retains  
24 jurisdiction and authority to enter an order that the convicted person provide a sample of blood

1 and other body fluids as required by this section. Any person convicted ~~on or after August 1~~  
2 July 31, 1995, who is not sentenced to a term of confinement shall provide a sample of blood  
3 and other body fluids as a condition of the sentence or probation at a time and place specified  
4 by the sentencing court. The sentencing court shall assess the cost of the procedure ~~must be~~  
5 ~~assessed to~~ against the person being tested. The department shall collect the cost of the  
6 procedure from the person being tested and transfer the amount collected to the state  
7 department of health for deposit in the general fund.