

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2079
(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact subsections 4 and 7 of section 12.1-31.2-01 and subsection 3 of section 14-07.1-03 of the North Dakota Century Code, relating to temporary protection and disorderly conduct restraining orders.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 4 and 7 of section 12.1-31.2-01 of the North Dakota Century Code are amended and reenacted as follows:

4. If the petition for relief alleges reasonable grounds to believe that an individual has engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the individual to cease or avoid the disorderly conduct or to have no contact with the person requesting the order. A temporary restraining order may be entered only against the individual named in the petition. The court may issue the temporary restraining order without giving notice to the respondent. The ~~Unless otherwise terminated by the court, the~~ temporary restraining order is in effect ~~for not more than thirty days, unless otherwise terminated by the court~~ until a restraining order issued under subsection 5 is served.
7. A disorderly conduct restraining order must contain a conspicuous notice to the respondent providing:
 - a. The specific conduct that constitutes a violation of the order;
 - b. Notice that violation of the restraining order is punishable by imprisonment of up to one year or a fine of up to ~~one~~ two thousand dollars or both; and
 - c. Notice that a peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent has violated an order issued under this section.

SECTION 2. AMENDMENT. Subsection 3 of section 14-07.1-03 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~An~~ Unless otherwise terminated by the court, an ex parte temporary protection order remains in effect, ~~in the court's discretion, for not more than thirty days, unless otherwise terminated by the court~~ until an order issued under section 14-07.1-02 is served.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2079.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 93 Nays 0 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State