

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1214

Introduced by

Representatives Froelich, DeKrey, Delmore

Senators Fischer, Lyson, Warner

1 A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota
2 Century Code, relating to conditions of probation for sexual offenders.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 3. The court shall provide as an explicit condition of every probation that the
7 defendant may not possess a firearm, destructive device, or other dangerous
8 weapon while the defendant is on probation. The court shall provide as an explicit
9 condition of probation that the defendant may not willfully remain within one
10 thousand feet [300.48 meters] of or enter upon the real property comprising a
11 public or private elementary or secondary school if the defendant is a sexual
12 offender who committed a class A misdemeanor or felony sexual offense against a
13 minor, subject to modifications the court has expressly made on the record.

14 Unless waived on the record by the court, the court shall also provide as a
15 condition of probation that the defendant undergo various agreed-to community
16 constraints and conditions as intermediate measures of the department of
17 corrections and rehabilitation to avoid revocation, which may include:

- 18 a. Community service;
19 b. Day reporting;
20 c. Curfew;
21 d. Home confinement;
22 e. House arrest;
23 f. Electronic monitoring;
24 g. Residential halfway house; or

- 1 h. Intensive supervision program.