

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1057

Introduced by

Representatives Koppelman, DeKrey, Delmore

Senators Traynor, Trenbeath, Nelson

1 A BILL for an Act to create and enact a new section to chapter 25-03.3 of the North Dakota
2 Century Code, relating to commitment of sexually dangerous individuals; and to provide a
3 penalty.

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

5 **SECTION 1.** A new section to chapter 25-03.3 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Postcommitment community placement - Penalty.**

- 8 1. Following commitment of a sexually dangerous individual, the executive director
9 may conduct a risk management assessment of the committed individual for the
10 purpose of determining whether the individual may be treated safely in the
11 community on an outpatient basis. The executive director may place a committed
12 individual in the community for treatment on an outpatient basis only pursuant to a
13 court order. The executive director may petition the court at any time for
14 community placement. The executive director shall give the state's attorney of the
15 county of community placement notice of any petition for community placement the
16 executive director files with the court. Before the petition is granted, the state's
17 attorney has the right to be heard by the court. The state's attorney may waive this
18 right. At any hearing held pursuant to a petition by the executive director for the
19 community placement of a committed individual, the burden of proof required of
20 the executive director is a preponderance of the evidence. The court's order of
21 community placement must contain appropriate restrictions and requirements for
22 the committed individual, including:
- 23 a. Participation and compliance with a specific course of treatment;
 - 24 b. Submission to electronic monitoring and any other appropriate supervision;

- 1 c. Prohibition of the individual changing place of residency or leaving the state
- 2 without prior authorization of the court;
- 3 d. Establishment of safety zones, and compliance by the committed individual
- 4 with those safety zones;
- 5 e. Requirement that the committed individual notify the court within twenty-four
- 6 hours of any change in the individual's status that affects proper treatment or
- 7 supervision;
- 8 f. Contact with victims is prohibited independent of a supervised treatment plan;
- 9 and
- 10 g. Any other restriction or requirement deemed necessary by the court to assure
- 11 public safety and proper treatment of the committed individual.
- 12 2. Violation by a committed individual of a court order issued pursuant to this section
- 13 is a class C felony.