

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of sexual assault.

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

- 4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual assault - Victim protection.**

7 **1. As used in this section:**

- 8 **a. "Convicted student" means a student enrolled in a school who is a juvenile**
9 **adjudicated delinquent or an adult convicted of committing sexual assault upon**
10 **another student enrolled in the same school.**
11 **b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for**
12 **which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an**
13 **element.**

- 14 **2. A convicted student enrolled in the same school as the victim of sexual assault shall**
15 **adhere to a safety plan developed by the school district providing for:**

16 **a. No contact with the victim; and**

17 **b. Proper separation in school buildings and educational activities.**

- 18 **3. A school shall develop a safety plan for a convicted student that includes:**

- 19 **a. Holding an expulsion hearing for a convicted student that grants procedural due**
20 **process to the student as provided by law and within the time period prescribed**
21 **under section 15.1-19-09;**

- 1 b. Transferring a convicted student to an alternative education program, which may
- 2 include virtual education;
- 3 c. Transferring a convicted student to another school or building within the school
- 4 district; or
- 5 d. Separating the convicted student from the victim at all times in school buildings
- 6 and educational activities when transferring the convicted student is not possible.
- 7 4. Upon adjudication or conviction of a convicted student, the state's attorney shall
- 8 provide the school in which the convicted student is enrolled with notice of the court's
- 9 findings that are relevant under this section.