

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2302

Introduced by

Senators D. Larson, Cook, Nelson

Representatives Beadle, Karls, Roers Jones

1 A BILL for an Act to amend and reenact sections 12-60-05 and 12.1-29-07, subsection 1 of
2 section 29-06-05.2, and sections 54-12-01.1 and 54-12-28 of the North Dakota Century Code,
3 relating to appointment of ad hoc special agents, the offender education program, authority for
4 federal law enforcement officers to make arrests, online publication of eminent domain
5 information, and twenty-four seven program records and statistics; to repeal section 19-03.1-44
6 of the North Dakota Century Code, relating to a drug use status and trends report; ~~and~~ to
7 provide a penalty; and to declare an emergency.

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

9 **SECTION 1. AMENDMENT.** Section 12-60-05 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-60-05. Attorney general - Duties - Appointment of personnel.**

12 The attorney general shall act as superintendent of the bureau and shall have the
13 responsibility of and shall exercise absolute control and management of the bureau. The
14 attorney general shall appoint and fix the salary of a chief of the bureau, such special agents,
15 and such other employees as the attorney general deems necessary to carry out the provisions
16 of this chapter within the limits of legislative appropriations therefor. The attorney general may
17 appoint ad hoc special agents. Ad hoc special agents are law enforcement officers from other
18 jurisdictions appointed for a specific law enforcement purpose and do not become full-time or
19 part-time employees of the attorney general.

20 **SECTION 2. AMENDMENT.** Section 12.1-29-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

1 **12.1-29-07. (Effective January 1, 2016 through July 31, 2017) Offender education**
2 **program.**

3 A sentence for an offense under section 12.1-29-06 or chapter 12.1-41 may include an
4 order for the offender to participate in an offender education program on the negative
5 consequences of the commercial sex industry, including health and legal consequences and the
6 impact on communities, survivors, spouses, and children. The court may order the offender to
7 pay the cost of the offender education program.

8 **SECTION 3. AMENDMENT.** Subsection 1 of section 29-06-05.2 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. "Federal agent" means an employee of the federal bureau of investigation; ~~the federal~~
11 ~~drug enforcement administration;~~ the bureau of alcohol, tobacco, firearms and
12 explosives; the homeland security investigations unit of the department of homeland
13 security; or the United States customs and border protection who is authorized to
14 arrest, with or without a warrant, any individual for a violation of the United States
15 Code and carry a firearm in the performance of the employee's duties as a federal law
16 enforcement officer.

17 **SECTION 4. AMENDMENT.** Section 54-12-01.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **54-12-01.1. Attorney general to ~~prepare~~publish eminent domain pamphlets -- Copy to**
20 **~~landowner~~information.**

21 The attorney general, with the cooperation of appropriate state agencies, shall ~~prepare~~
22 ~~pamphlets in readable format~~publish online information describing the eminent domain laws of
23 this state. The ~~pamphlets~~information must include the reasons for condemnation, the
24 procedures followed by condemnors as defined by section 32-15-01, how citizens may
25 influence the condemnation process, and the rights of property owners and citizens affected by
26 condemnation. ~~The attorney general shall make copies of the pamphlets available to all~~
27 ~~condemnors who must be charged a price for the pamphlets sufficient to recover the costs of~~
28 ~~production.~~ A condemnor shall ~~present a copy of the pamphlet to~~notify a property owner ~~prior~~
29 ~~to~~of the available online information before making an offer to purchase and initiating a
30 condemnation action.

1 **SECTION 5. AMENDMENT.** Section 54-12-28 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-12-28. Twenty-four seven sobriety program guidelines and, program fees, and**
4 **records.**

5 1. The attorney general, in cooperation with law enforcement, the judiciary, the
6 department of corrections and rehabilitation, and the traffic safety division of the
7 department of transportation, may develop guidelines, policies, and procedures to
8 administer the twenty-four seven sobriety program and to test offenders to enforce
9 compliance with the sobriety program, including sobriety testing twice per day seven
10 days per week, electronic monitoring, including home surveillance and remote
11 electronic alcohol monitoring, urine testing and drug patch testing, and to establish
12 program fees, all of which are not subject to chapter 28-32.

13 2. To assist in monitoring the status of the twenty-four seven sobriety program, the
14 attorney general may gather program records and statistics. Agencies or companies
15 participating in the twenty-four seven program shall provide record and statistic
16 information requested by the attorney general within thirty days of the request.

17 **SECTION 6. REPEAL.** Section 19-03.1-44 of the North Dakota Century Code is repealed.

18 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.