

HOUSE BILL NO. 1269
with Senate Amendments
HOUSE BILL NO. 1269

Introduced by

Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider

Senators Braunberger, Larson, Lee, Sickler

1 A BILL for an Act to amend and reenact section 12.1-17-13 of the North Dakota Century Code,
2 relating to a mandated intervention program for domestic violence offenders; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-17-13 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-17-13. Mandated ~~treatment of~~intervention program for domestic violence**
8 **offenders.**

9 1. As used in this section, "intimate partner" means an offender's spouse, former spouse,
10 current dating partner, recent former dating partner, or another individual with whom
11 the offender has a child in common regardless of whether the offender and the
12 individual are or have been married to each other, are or have been in a dating
13 relationship with each other, or resided together at any time.

14 2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2,
15 12.1-17-02, 12.1-17-03, 12.1-17-04, ~~or~~ 12.1-17-05, 12.1-17-07, 12.1-17-07.1,
16 12.1-18-02, 12.1-18-03, 12.1-21-05, 12.1-21-06.1, 12.1-31.2-01, 12.1-31.2-02, or
17 14-07.1-06 against an actor's family or household member, ~~as defined in subsection 4-~~
18 ~~of section 14-07.1-01~~ intimate partner, must include an order to complete a domestic
19 violence offender ~~evaluation~~assessment and ~~treatment~~intervention program as
20 determined by the court. A court may not order the offender to attend anger
21 management classes or individual counseling unless a domestic violence offender
22 ~~treatment~~intervention program is not reasonably available to the defendant and the
23 court makes findings for the record explaining why an order to complete a domestic
24 violence offender ~~treatment~~intervention program would be inappropriate.

- 1 3. If an offender who is ordered to complete a domestic violence offender assessment
- 2 and intervention program is assessed and determined to be inappropriate for the
- 3 program by the program provider, a court may find the order to complete a domestic
- 4 violence offender assessment and intervention program to be satisfied or may order
- 5 the offender to complete other appropriate programming.