

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1269
(Representatives Ista, Cory, Hanson, Heinert, Klemin, M. Ruby, Schneider)
(Senators Braunberger, Larson, Lee, Sickler)

AN ACT to amend and reenact section 12.1-17-13 of the North Dakota Century Code, relating to a mandated intervention program for domestic violence offenders; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. As used in this section, "intimate partner" means an offender's spouse, former spouse, current dating partner, recent former dating partner, or another individual with whom the offender has a child in common regardless of whether the offender and the individual are or have been married to each other, are or have been in a dating relationship with each other, or resided together at any time.
2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 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, 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 14-07.1-06~~ against an actor's family or household member, as defined in subsection 4 of section 14-07.1-01 ~~intimate partner~~, must include an order to complete a domestic violence offender ~~evaluation~~assessment and ~~treatment~~intervention program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender ~~treatment~~intervention program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender ~~treatment~~intervention program would be inappropriate.
3. If an offender who is ordered to complete a domestic violence offender assessment and intervention program is assessed and determined to be inappropriate for the program by the program provider, a court may find the order to complete a domestic violence offender assessment and intervention program to be satisfied or may order the offender to complete other appropriate programming.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1269.

House Vote: Yeas 86 Nays 4 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State