

NORTH DAKOTA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

746 as of February 3, 2003.

1. WHO IS REQUIRED TO REGISTER?

A person must register if he or she:

- (1) pled guilty or *nolo contendere* to or was found guilty as a felonious sexual offender or attempted felonious sexual offender including juvenile-delinquent adjudications of comparable offenses;
- (2) pled guilty or *nolo contendere* to or was found guilty as a sexual offender for a misdemeanor or attempted misdemeanor;
- (3) is a juvenile found delinquent of "gross imposition" if the victim is under 15, or as a sexual offender for a misdemeanor;
- (4) pled guilty or *nolo contendere* to or was found guilty of a crime against a child or an attempted crime against a child including juvenile-delinquent adjudications of comparable offenses; or
- (5) pled guilty or *nolo contendere* to or was found guilty or adjudicated delinquent of any crime against another individual if court finds the offender demonstrated mental abnormality or sexual-predatory conduct in committing an offense.

(N.D. Cent. Code § 12.1-32-15(2))

A court may deviate from requiring an offender who has pled guilty or *nolo contendere* to or was found guilty as a sexual offender for a misdemeanor or an attempted misdemeanor to register if:

- (1) the court first finds the offender is no more than 3 years older than victim, if victim is a minor;
- (2) the offender has not been previously convicted as a sexual offender or of a crime against a child; and
- (3) the offender did not exhibit a mental abnormality or predatory conduct in committing the offense.

(N.D. Cent. Code § 12.1-32-15(2)(b))

A court may deviate from requiring an offender who has pled guilty or *nolo contendere* to or was found guilty of a crime against a child or an attempted crime against a child including juvenile-delinquent adjudications of comparable offenses, to register if a court first finds the offender:

- (1) has not previously been convicted as a sexual offender or for a crime against a child; and
- (2) did not show a mental abnormality or predatory conduct in committing the offense.

A court, however, will not deviate from requiring such an offender to register if the offense consists of any of the following:

- (1) facilitating prostitution; or
- (2) kidnapping or felonious restraint, if the offender is not the parent of the victim.

(N.D. Cent. Code § 12.1-32-15(2)(d))

2. WHAT DOES “SEXUAL OFFENDER” MEAN?

“Sexual offender” means a person who has pled guilty to or found guilty of a violation of the following offenses:

- (1) gross sexual imposition;
- (2) continuous sexual abuse of a minor;
- (3) sexual imposition;
- (4) corruption or solicitation of minors;
- (5) luring minors by computer;
- (6) sexual abuse of wards;
- (7) certain instances of sexual assault;
- (8) incest;
- (9) indecent exposure;
- (10) surreptitious intrusion;
- (11) use of a minor in a sexual performance;
- (12) promoting or directing an obscene sexual performance by minor;
- (13) promoting a sexual performance by a minor;
- (14) possession of certain prohibited materials; or
- (15) an attempt to commit an offense listed in (1) through (14) above.

(N.D. Cent. Code § 12.1-32-15(1)(e))

3. WHAT DOES “CRIME AGAINST A CHILD” MEAN?

“Crime against a child” means:

- (1) assault, if the victim is under 12;
- (2) aggravated assault;
- (3) terrorizing;
- (4) stalking;
- (5) kidnapping;
- (6) felonious restraint;
- (7) removal of a minor from North Dakota in violation of a custody decree;
- (8) prostitution;
- (9) facilitating prostitution;
- (10) promoting prostitution;
- (11) abuse or neglect of a minor; or
- (12) an attempt to commit an offense listed in (1) through (11) above.

(N.D. Cent. Code § 12.1-32-15(1)(a))

4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

A juvenile may be required to register if he or she was adjudicated delinquent for:

- (1) offenses comparable to those of a felonious sexual offender or an attempted felonious sexual offender;
- (2) “gross imposition” if the victim is under 15;
- (3) a crime against a child or an attempted crime against a child; or
- (4) any crime against another individual and the court finds he or she demonstrated mental abnormality or sexual-predatory conduct in committing the offense.

(N.D. Cent. Code § 12.1-32-15(2))

A court may deviate from requiring a juvenile to register if the court first finds he or she:

- (1) has not previously been convicted as a sexual offender or for a crime against a child; and
- (2) did not exhibit a mental abnormality or predatory conduct in committing the offense.

(N.D. Cent. Code § 12.1-32-15(2)(c))

5. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender must register within 10 days of coming into the county in which he or she resides or temporarily resides. Registration must take place with the chief of police of the city or the sheriff of the county if an offender resides, attends school, or is employed in an area other than a city.

(N.D. Cent. Code § 12.1-32-15(2))

A law-enforcement agency registers a juvenile offender in the same manner as adult offenders.

(N.D. Cent. Code § 12.1-32-15(15))

6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Registration consists of a written statement signed by the offender and his or her fingerprints and photograph.

(N.D. Cent. Code § 12.1-32-15(7))

7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If an offender who is required to register changes his or her name, school, employment, or address, he or she must inform in writing, within 10 days, the law-enforcement agency with which he or she last registered of his or her new name, school, employment, or address. Upon a change of address, the offender is required to register within 10 days at the law-enforcement agency having local jurisdiction of his or her new place of residence, school, or employment.

(N.D. Cent. Code § 12.1-32-15(7))

8. WHAT HAPPENS IF AN OFFENDER MOVES FROM NORTH DAKOTA TO ANOTHER STATE?

If an offender changes his or her residence, place of employment, or school to another state, he or she must notify the law-enforcement agency with which he or she most recently registered of his or her new address, place of employment, or school. The offender must also register within 10 days of making the change at the law-enforcement agency having local jurisdiction of his or her new residence, place of employment, or school.

(N.D. Cent. Code § 12.1-32-15(7))

9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO NORTH DAKOTA REQUIRED TO REGISTER?

An offender from another state who moves to or temporarily resides in North Dakota must register if he or she:

- (1) is incarcerated or on probation or parole after July 31, 1995, for:
 - (a) a crime against a child;
 - (b) facilitating prostitution; or
 - (c) kidnapping or felonious restraint, if the offender is not the parent of the victim;
- (2) is a sexual offender who is incarcerated or on probation or parole after July 31, 1995;
- (3) was ordered required to register in another state or by the federal government as a sexual offender or for a crime against a child; or

- (4) pled guilty or *nolo contendere* to or has been found guilty of a crime against a child or as a sexual offender for which registration is mandatory, if the conviction occurred after July 31, 1985.

(N.D. Cent. Code § 12.1-32-15(3))

10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN NORTH DAKOTA?

If an offender is working but not living in North Dakota, he or she must register with the law-enforcement agency having jurisdiction where he or she works. If such an offender changes his or her employment, he or she must notify the law-enforcement agency in writing, within 10 days, of the new employment address. The offender is then required to register within 10 days at the law-enforcement agency having local jurisdiction of his or her new place of employment.

(N.D. Cent. Code § 12.1-32-15(7))

11. IS REGISTRATION A LIFETIME REQUIREMENT?

An offender who is required to register must comply with registration requirements for the longer of the following periods:

- (1) 10 years after the date of sentence or order deferring or suspending the sentence upon a plea or finding of guilt, or after release from imprisonment, whichever is later; or
- (2) for life if the offender:
 - (a) on two or more occasions pled guilty or *nolo contendere* to or was found guilty of a crime against a child or as a sexual offender, or an equivalent offense of another state or federal government;
 - (b) pled guilty or *nolo contendere* to or was found guilty after August 1, 1999, of one of the following:
 - (i) gross sexual imposition;
 - (ii) continuous sexual abuse of a minor;
 - (iii) kidnapping, if the offender is an adult other than a parent of the victim; or
 - (iv) an equivalent offense of another state or federal government; or
 - (c) has been civilly committed as a sexually dangerous individual.

(N.D. Cent. Code § 12.1-32-15(8))

12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

An offender who is required to register and who violates any of the registration requirements is guilty of a Class A misdemeanor. A court may not relieve an offender, other than a juvenile, who violates any of the registration requirements from serving a term of at least 90 days in jail and completing probation of one year. An offender who violates the registration requirements and who has previously pled guilty or been found guilty of violating the registration requirements is guilty of a Class C felony.

(N.D. Cent. Code § 12.1-32-15(9))

When an offender is released on parole or probation and is required to register but fails to do so within the time prescribed, the court must order the probation, or the parole board must order the parole, of the offender revoked.

(N.D. Cent. Code § 12.1-32-15(10))

13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Relevant and necessary conviction and registration information must be disclosed to the public by a law-enforcement agency if the offender is at a moderate or high risk to reoffend and the agency determines that disclosure of the conviction and registration information is necessary for public protection.

(N.D. Cent. Code § 12.1-32-15(13))

If an offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification to the victim of the offense and to any agency, civic organization, or group of persons who have characteristics similar to those of a victim of the offender. Upon request, law-enforcement agencies may release conviction and registration information regarding low-risk, moderate-risk, or high-risk offenders.

(N.D. Cent. Code § 12.1-32-15(13))

With regards to juvenile offenders, a law-enforcement agency may release any relevant and necessary information on file to other law-enforcement agencies, the Department of Human Services, the superintendent or principal of the school the juvenile attends, or the public if disclosure is necessary to protect public health or safety. The school administration may notify others in similar positions if the juvenile transfers to another learning institution in or outside the state.

(N.D. Cent. Code § 12.1-32-15(15))

14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

Public disclosure includes Internet access if the offender:

- (1) is required to register for life;
- (2) has been determined to be a high risk to the public by the Department of Corrections and Rehabilitation, the attorney general, or the courts, according to guidelines developed by those agencies; or
- (3) has been determined to be a high risk to the public by an agency of another state or the federal government.

(N.D. Cent. Code § 12.1-32-15(13))

The web site for the North Dakota sex-offender registry is <http://www.ndsexoffender.com>. The site can be searched by first or last name, city, zip code, and county. A complete list of qualifying offenders is also available.

15. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

The North Dakota Office of the Attorney General's sex offender web site contains the following disclaimer:

Any actions taken by persons against these subjects [registered sex offenders], including vandalism of property, intimidation, harassment or verbal or written threats of harm against these subjects or their families, landlords, or employers, are not acceptable, and will likely result in arrest and prosecution of those persons.