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SORNA Substantial Implementation Review State of North Dakota — Revised

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the State of North Dakota for the work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its revised review of North Dakota's SORNA substantial implementation materials and has found that North Dakota has not substantially implemented SORNA.

On May 6, 2011, the North Dakota Office of Attorney General submitted a substantial implementation package to the SMART Office. In November 2011, the SMART Office issued a SORNA Substantial Implementation Review to North Dakota in which North Dakota was found not to have substantially implemented SORNA. Furthermore, the review noted several areas in which the SMART Office did not have enough information to determine whether the state's system meets SORNA's requirements. Upon request of the SMART Office, in July 2017, the North Dakota Office of Attorney General authorized a new substantial implementation review of the state's laws and practices. Our review is based on publically available state law and practice; correspondence with North Dakota's Office of Attorney General clarified other outstanding issues.

Our review of North Dakota's laws and practices follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether North Dakota meets or does not meet the SORNA requirements of that section or deviates from the requirements in some way. North Dakota is encouraged to focus on the sections where the jurisdiction *has not* met SORNA's requirements, and to work toward rectifying the issues identified in those sections in order to achieve substantial implementation of SORNA. In instances of deviation, we specify that the departure(s) from a particular requirement does not substantially dissuade the purpose of that requirement. In other words, North Dakota is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, but this is not necessary for substantial implementation purposes.

We encourage you to review the information below, share it with relevant stakeholders in the state and contact us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his or her information in a jurisdiction, that the initial registration information or updated information be immediately sent to other jurisdictions where the offender has to register, as well as to the

National Crime Information Center's National Sex Offender Registry (NCIC/NSOR) and the jurisdiction's public sex offender registry website.

North Dakota meets all of the SORNA requirements in this section.

II. Offenses That Must Be Included in the Registry

SORNA requires that certain federal, military and foreign offenses are included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

A. North Dakota Offenses

North Dakota includes most of the offenses for which SORNA requires registration in its registration scheme.

The following North Dakota offenses are not included in North Dakota's registration law:

- § 12.1-29-01 Promoting Prostitution (where the victim is a minor, charged as a class A misdemeanor or as a class C felony)
- § 12.1-29-02 Facilitating Prostitution (where the victim is a minor)
- § 12.1-29-06 Hiring an Individual to Engage in Sexual Activity (where the victim is a minor)

While North Dakota does not include these offenses within its registration statute, state courts may order people convicted of these offenses to register as sex offenders and subject them to risk assessment for registration purposes as part of their judgment of conviction.

Additionally, North Dakota allows certain offenders to avoid the duty to register. Specifically, pursuant to North Dakota Century Code § 12.1-32-15(2)(b), if the sexual offense is considered a misdemeanor or an attempted misdemeanor and the victim is a minor, then the court of conviction may waive the offender's registration requirement, if the court finds that 1) the offender is no more than three years older than the victim, 2) the offender has not previously been convicted of a sex offense, and 3) the offender did not exhibit mental abnormality or predatory conduct in the commission of the offense.

B. Offenses of Other SORNA Registration Jurisdictions

North Dakota requires registration for any offense from another jurisdiction that is an "equivalent" to a North Dakota registerable offense. Therefore, North Dakota may not require

registration for offenses from other jurisdictions that are comparable to those offenses listed above.¹

C. Federal Offenses

The following federal offenses do not appear to have equivalent North Dakota offenses that require registration under SORNA.

- 18 U.S.C. § 2252(A) Material Containing Child Pornography (where “Child Pornography” constitutes a “digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct,” as defined in 18 U.S.C. § 2256(C))
- 18 U.S.C. § 2252(B) Misleading domain names on the internet
- 18 U.S.C. § 2252(C) Misleading words or digital images on the internet
- 18 U.S.C. § 2423(B) Travel with the Intent to Engage in Illicit Sexual Conduct with a Minor
- 18 U.S.C. § 2423(C) Engaging in Illicit Sexual Conduct in Foreign Places
- 18 U.S.C. § 2424 Filing Factual Statement about Alien Individual
- 18 U.S.C. § 2425 Use of Interstate Facilities to Transmit Information About a Minor

D. Military Offenses

North Dakota includes military offenses in its registration scheme if the offense is equivalent to a registerable North Dakota offense. Therefore, there are some military offenses (such as Conduct Unbecoming) that do not appear to have an equivalent under North Dakota law and, if not, may not require registration under North Dakota’s existing scheme.

E. Foreign Offenses

North Dakota includes foreign convictions in its registration scheme if the offense is equivalent to a registerable North Dakota offense. Therefore, there are some foreign offenses that do not appear to have an equivalent under North Dakota law and, if not, may not require registration under North Dakota’s existing scheme.

F. Juveniles

North Dakota requires juveniles adjudicated delinquent for the most serious sex offenses to register.²

North Dakota’s registry scheme also encompasses all delinquency adjudications that are equivalent to a felony or attempted felony sexual offense. However, certain juveniles may be

¹ For purposes of this requirement, “jurisdiction” is defined as the 50 states, the District of Columbia, the five principal U.S. territories and federally recognized Indian tribes that elect to function as registration jurisdictions under SORNA.

² These offenses are comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241(a) or (b)), or represent an attempt or conspiracy to commit such an offense, as required by SORNA.

exempted from registration. The statute is limited to first-time adjudications of juvenile delinquency and to those juveniles who do not exhibit a mental abnormality or predatory conduct in the commission of the offense.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction. North Dakota generally classifies sex offenders based on an individual risk assessment, rather than on the offense for which they are convicted (see Section IX of this report for analysis of the state's risk assessment process; see attached Appendix: North Dakota Offense Tiering Review for a detailed analysis regarding this subsection of the review).

North Dakota uses a risk assessment process to place its registrants into one of three categories for the purposes of registration and notification:

- Low-risk offenders, who register for 15 years and appear annually to verify registration information;
- Moderate-risk offenders, who register for 25 years and appear semiannually to verify registration information; and
- High-risk offenders, who register for life and appear quarterly to verify registration information.

North Dakota does categorize some offenders based on the nature of the offense, rather than on a risk assessment, and requires them to register for life. Specifically, offenders who were convicted after August 1999 of the following offenses, or of an equivalent offense in another jurisdiction, are automatically required to register for life and must appear in person quarterly to verify registration information. Offenders who are convicted of the following offenses are lifetime registration offenders:

- § 12.1-18-01 Kidnapping (if that individual is an adult other than a parent of the victim)
- § 12.1-20-03(1)(a) Gross Sexual Imposition (where the offender compels the victim to engage in a sexual act, either with the offender or with another, by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being)
- § 12.1-20-03(1)(d) Gross Sexual Imposition (where the offender compels the victim to engage in a sexual act, either with the offender or with another, where the offender is an adult and the victim is less than 12 years old)
- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (where the offender engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of 15 during a period of three or more months)

In addition, any offender who is convicted of two or more sexual offenses is a lifetime registration offender, unless all qualifying offenses are misdemeanors and none of them were committed after August 1, 1999.

North Dakota does not meet the SORNA requirements in this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry. North Dakota deviates from SORNA requirements in that law enforcement does not collect the following information in its registry:

1. Passports
2. Immigration documents
3. Valid driver's licenses
4. Identification cards
5. Purported Social Security numbers
6. Vehicle information – vehicle identification numbers and permanent or frequent locations where vehicles are kept

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

V. Where Registration Is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he or she is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work or attend school in the jurisdiction.

North Dakota meets all of the SORNA requirements in this section.

VI. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his or her registration duties and require the offender to acknowledge in writing that he or she understands those duties.

North Dakota meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who re-enter the jurisdiction's criminal justice system because of a some other felony crime (whether or not it is a sex offense).

North Dakota's registration statutes are applicable to any individual convicted after July 31, 1985, or was in prison, on parole or probation for a covered sex offense at that time. North Dakota does not recapture offenders who reenter the system for a new nonsexual felony offense.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

VIII. Keeping the Registration Current

SORNA requires that when a registered sex offender resides in a jurisdiction, the sex offender must immediately appear in person to update his or her name, residence, employment, school attendance and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, the sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of intent to relocate to another country to live, work or attend school, or intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered or is required to register of that updated information, immediately notify the United States Marshals Service (USMS) and immediately update NCIC/NSOR.

North Dakota requires sex offenders to update changes to their names, school attendance and residence or employment address in writing at least 10 days before the change is made. A change in school or employment address reflecting the termination of school enrollment or employment must be submitted in writing within five days of the termination. Though state law specifies how these updates are to be made, registry officials require these updates to be made in

person. The state requires sex offenders to update registration information regarding vehicles or internet identifiers in writing within three days of the change.

North Dakota's requirements for sex offenders reporting international travel and subsequent notice to the USMS deviate from SORNA's requirements. While North Dakota does require offenders to report intent to travel internationally, North Dakota does not meet the time frame or procedures prescribed by the USMS.

Because North Dakota does not meet the international travel reporting requirements, North Dakota does not meet the SORNA requirements in this section.

IX. Verification/Appearance Requirements

SORNA requires that offenders register for a duration of time and make in-person appearances at the registering agency, based on the tier of the offense of conviction. North Dakota deviates from SORNA requirements in that sex offenders are classified based on an individual risk assessment, rather than on the offense for which they are convicted.

The North Dakota Department of Corrections and Rehabilitation (DOCR), Sex Offender Risk Assessment Committee (SORAC) conducts risk assessments on all inmates, probationers and parolees who are required to register and are still under DOCR custody or supervision. The attorney general's office conducts risk assessments on all other sex offenders who are required to register, including those who are no longer supervised by the DOCR, those who are transferred from other states and offenders convicted in federal court. Until the SORAC assigns a risk level, the attorney general's office will adopt any risk level assigned by another state, tribe or foreign country, with a notation of what state, tribe or country assigned the risk level.

The North Dakota Department of Corrections and Rehabilitation Division of Juvenile Services (DJS) is responsible for conducting risk assessments of all juveniles adjudicated delinquent who are under DJS supervision. In instances where the juvenile court maintains jurisdiction over an adjudicated delinquent, the court is responsible for conducting risk assessments.

The SORAC comprises nine members, including representatives of the attorney general, the DOCR, DOCR Field Services, a victim advocate, a mental health professional, two law enforcement officers, a position shared by the juvenile courts and DOCR's Division of Juvenile Services, and a civilian representative. The SORAC convenes once per month and requires a quorum of at least five members to conduct risk assessments. Offenders may file a request to review their individual risk assessment determination within 14 days of issuance.

A. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that Tier I offenders register for 15 years, Tier II offenders register for 25 years and Tier III offenders register for life.

In North Dakota, sex offenders assessed as low-risk must register for 15 years, moderate-risk offenders must register for 25 years, and high-risk and lifetime registration offenders must register for life.

B. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that Tier I offenders appear once a year, that Tier II offenders appear every six months and that Tier III offenders appear every three months.

In North Dakota, sex offenders assessed as low-risk appear every year, moderate-risk offenders appear every six months, and high-risk and lifetime offenders appear every three months.

C. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

North Dakota allows sex offenders to reduce their registration periods. According to North Dakota's Risk Assessment and Community Notification Guidelines, sex offenders may request to have their assigned risk level re-evaluated by making a "reconsideration request" with the SORAC. Reconsideration requests will not be considered within two years of the original level assignment and thereafter no more often than every two years. Offenders submitting reconsideration requests must specify their changes in circumstances warranting a modification to their level assignment.

In addition, the Risk Level Committee can reconsider an offender's assigned risk level upon request of any law enforcement or registering agency or on its own initiative.

Because North Dakota uses a risk assessment process to determine duration and frequency of registration, and allows for reductions of registration periods after two years, North Dakota does not meet the SORNA requirements in this section.

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

North Dakota's public sex offender registry website allows users to view registered sex offenders through the following:

- "List of all Offenders" — allows users to generate a document containing all low-, moderate- and high-risk offenders.

- “Detailed Search” — displays high-risk and lifetime offenders. Users may search by name, city or county.
- “Map Offenders Near Me” — displays high-risk and lifetime offenders. Users may search by entering an address and geographic radius.

Searching the state’s sex offender registry website by name or geographic radius returns results limited to high-risk and lifetime offenders.

North Dakota’s public registry website does not display employment or school address information for offenders who reside in North Dakota. If an offender lives in another registration jurisdiction but works or attends school in North Dakota, the registry displays either the offender’s local school or employment address and omits the offender’s residential address.

Furthermore, the state’s public registry website does not display the following information required by SORNA:

- Statutory reference for convictions requiring registration;
- Sex offenders’ scars, marks or tattoos;
- Links to sex offender safety and education resources; and
- Instructions on how to seek corrections for information displayed incorrectly on the website.

North Dakota has not taken all of the steps needed to enable the field search capabilities required by the National Sex Offender Public Website (NSOPW). Specifically, North Dakota’s interoperability with NSOPW is limited by the state generally sharing only primary residence information and lifetime and high-risk offender registration information with NSOPW.

Because North Dakota’s public registry website does not display employment address (unless the offender resides in another jurisdiction) and name and geographic radius searches are limited to high-risk and lifetime offenders, North Dakota does not meet the SORNA requirements in this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

While North Dakota does provide an automated email notification system to members of the public, North Dakota’s system only provides notifications about changes to lifetime registration offenders’ residential addresses.

North Dakota does not meet the SORNA requirements in this section.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

North Dakota meets all of the SORNA requirements in this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified of a sex offender's intent to reside, be employed or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving the notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

North Dakota meets all of the SORNA requirements in this section.

XIV. When a Jurisdiction Has Information That a Sex Offender May Have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

North Dakota has not adopted official procedures in statute or policy to investigate an absconding sex offender. However, communication with state representatives reveal that North Dakota registry officials refer potential sex offender registration absconders to local law enforcement agencies for investigation and refer the matter to the state's attorney's office for issuance of complaint and warrant, initiates a change of online status to "delinquent," issues notification to the United States Marshals Service and updates NCIC/NSOR daily with all changes in registration information (including absconder information). Furthermore, local law enforcement enters "wanted" information in NCIC and is periodically trained on responses to sex offenders absconding.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

XV. Tribal Considerations

The state of North Dakota has four federally recognized Indian tribes located within its boundaries: the Spirit Lake Tribe, the Standing Rock Sioux Tribe, the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa Indians.³ North Dakota shared with the SMART

³ The Sisseton-Wahpeton Oyate Tribe of the Lake Traverse Reservation is partially located within North Dakota; however, the tribe is officially located in South Dakota, and is thus affiliated with South Dakota for purposes of SORNA implementation.

Office executed agreements with the Standing Rock Sioux Tribe, the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa Indians.⁴

Although they are separate memoranda, the agreements for the Spirit Lake Sioux Tribe and the Three Affiliated Tribes are similar. The North Dakota Office of Attorney General's responsibilities include both DNA analysis and database entry for tribal registrants. The memoranda for the Standing Rock Sioux Tribe and the Turtle Mountain Band of Chippewa Indians are also similar, though these agreements indicate that the North Dakota Office of Attorney General will be responsible only for *storing* DNA collected from registrants, and do not identify who is responsible for its analysis and entry.

The North Dakota Bureau of Criminal Investigation, which is part of the North Dakota Office of Attorney General, is the point of contact for the North Dakota Indian tribes with regard to SORNA implementation.

As the SMART Office continues to work with North Dakota on SORNA implementation, we will notify the SORNA tribes within the state of any processes, policies or procedures that facilitate the sharing of criminal justice information.

Conclusion

We encourage North Dakota to continue to work toward meeting the requirements of SORNA. However, there are many provisions identified in this report that should be addressed in order for North Dakota to substantially implement SORNA. Please contact the SMART Office with any questions or concerns once you have had the opportunity to review and discuss our findings.

⁴ The Spirit Lake Tribe submitted a copy of an executed memorandum of agreement with the state within the tribe's initial substantial implementation package in July 2014.

Appendix: North Dakota Offense Tiering Review

The SMART Office has reviewed all North Dakota statutes identified in its substantial implementation submission package and has identified North Dakota's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). Unless indicated in the notes herein, the SMART Office has not reviewed any statutes (or subsections) that were not included in the legislation provided by North Dakota.

In reviewing North Dakota's statutes, the SMART Office understands that North Dakota has four categories of registrants for purposes of its duration of registration and frequency of registration requirements, with the tiering being largely conducted on an individual risk-based assessment, rather than the offense-based tiering mandated by SORNA. The four categories are as follows:

1. Low-risk offenders, who must register for 15 years and have their address verified annually;
2. Moderate-risk offenders, who must register for 25 years and have their address verified semiannually;
3. High-risk offenders, who must register for life and have their address verified quarterly; and
4. Lifetime offenders, who must register for life and have their address verified quarterly.

SORNA Tier I Offenses

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in North Dakota statutes would require, at a minimum, Tier I registration requirements under SORNA.

- § 12.1-20-03(2)(b) Gross Sexual Imposition (sexual contact by force or threat, where the victim is an adult)
- § 12.1-20-03(2)(c) Gross Sexual Imposition (sexual contact where the victim is unaware of the contact, where the victim is an adult)
- § 12.1-20-04(1) Sexual Imposition (where the offense involves sexual contact, where the victim is an adult)
- § 12.1-20-04(2) Sexual Imposition
- § 12.1-20-05(1) Corruption or Solicitation of Minors (charged as a misdemeanor)
- § 12.1-20-07 Sexual Assault (where the victim is an adult)
- § 12.1-20-12.2 Surreptitious Intrusion
- § 12.1-27.2-04.1 Possession of Certain Materials Prohibited
- § 12.1-29-01 Promoting Prostitution (where the victim is a minor, charged as a Class A misdemeanor)
- § 12.1-29-06 Hiring an Individual to Engage in Sexual Activity (where the victim is a minor)

SORNA Tier II Offenses

SORNA requires that Tier II offenders register for a minimum of 25 years and semiannually verify registration information. The following offenses listed in North Dakota statutes would require, at a minimum, Tier II registration requirements under SORNA.

- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (sexual contact where the victim is 14)
- § 12.1-20-03(2)(a) Gross Sexual Imposition (sexual contact, where the victim is 13-14)
- § 12.1-20-03(2)(b) Gross Sexual Imposition (sexual contact by force or threat, where the victim is under 13-17)
- § 12.1-20-03(2)(c) Gross Sexual Imposition (sexual contact where the victim is unaware of the contact, where the victim is 13-17)
- § 12.1-20-04(1) Sexual Imposition (sexual contact, where the victim is 13-17)
- § 12.1-20-05(2) Corruption or Solicitation of Minors (adult who solicits with the intent to engage in a sexual act with a minor)
- § 12.1-20-05.1 Luring Minors by Computer or Other Electronic Means (if charged as a felony)
- § 12.1-20-07 Sexual Assault (where the victim is 13-17)
- § 12.1.27.2-02 Use of a Minor in a Sexual Performance
- § 12.1.27.2-03 Use of a Minor in a Sexual Performance
- § 12.1.27.2-04 Promoting a Sexual Performance by a Minor
- § 12.1-29-01 Promoting Prostitution (where the victim is a minor, charged as a class C felony)
- § 12.1-29-02 Facilitating Prostitution (where the victim is a minor)
- § 12.1-41-02 Trafficking an individual (where person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of sexual servitude (maintains or makes available a minor or uses coercion or deception to compel an adult)
- § 12.1-41-04(1)(a) Sexual Servitude (of a minor)
- § 12.1-41-05 Patronizing a victim of sexual servitude (where the victim is a minor)
- § 12.1-41-06 Patronizing a minor for commercial sexual activity

SORNA Tier III Offenses

SORNA requires that Tier III offenders register for life and quarterly verify registration information.

The following offenses listed in North Dakota statutes would require, at a minimum, Tier III registration requirements under SORNA.

- § 12.1-18-01 Kidnapping (non-parental kidnapping of a minor (as defined by 18 U.S.C. § 1201))
- § 12.1-18-02 Felonious Restraint (non-parental kidnapping of a minor (as defined by 18 U.S.C. § 1201))

- § 12.1-20-03(2)(a) Gross Sexual Imposition (sexual contact, where the victim is under 13)
- § 12.1-20-03(2)(b) Gross Sexual Imposition (sexual contact by force or threat, where the victim is under 13)
- § 12.1-20-03(2)(c) Gross Sexual Imposition (sexual contact where the victim is unaware of the contact, where the victim is under 13)
- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (forcible sexual act)
- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (non-forcible sexual act where the perpetrator is at least four years older than the victim)
- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (sexual contact where the victim is under 13)
- § 12.1-20-03.1 Continuous Sexual Abuse of a Child (forcible sexual act)
- § 12.1-20-04(1) Sexual Imposition (sexual contact, where the victim is under 13)
- § 12.1-20-04(1) Sexual Imposition (sexual act)
- § 12.1-20-05(2) Corruption or Solicitation of Minors (adult who solicits with the intent to engage in a sexual act with a minor aged 15)
- § 12.1-20-06 Sexual Abuse of Wards
- § 12.1-20-07 Sexual Assault (where the victim is under 13)
- § 12.1-20-11 Incest (sexual act where the victim is a minor)

Further Review

In reviewing the statutes that North Dakota cited as those that are registerable offenses under North Dakota's registration scheme, the SMART Office noted offenses that do not require registration under SORNA:

- § 12.1-20-06.1 Sexual exploitation by therapist
- § 12.1-20-12.1 Indecent Exposure

In addition, North Dakota registers the following offenses if the victim is a minor; however, those offenses, without the commission of (or the attempt or conspiracy to commit) a sexual offense, do not require registration under SORNA:

- § 12.1-16 Homicide
- § 12.1-17-01.1 Assault
- § 12.1-17-02 Aggravated Assault
- § 12.1-17-04 Terrorizing
- § 12.1-17-07.1 Stalking
- § 12.1-18-05 Removal of Child from State in Violation of Custody Decree
- § 14-09-22 Criminal Child Abuse