

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1347
(Representatives Bosch, J. Nelson)
(Senators Davison, Lee)

AN ACT to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for the provision of early childhood services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-11.1-13.1 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-13.1. Penalty for provision of services - When applicable.

1. An individual who provides early childhood services to any child, other than a child who is a member of that individual's household, is guilty of a class B misdemeanor if:
 - a. Those services are provided after that individual is required to register as a sexual offender;
 - b. The department has denied that individual's application for licensure, or self-declaration, or registration to provide early childhood services or has revoked that individual's license, self-declaration, or registration document to provide early childhood services following a finding that services are required under chapter 50-25.1 and that finding has become final or has not been contested by that individual; ~~or~~
 - c. The individual allows another individual to be in the presence of the child receiving early childhood services if that other individual is required to register as a sexual offender or has had an application for licensure, self-declaration, or registration to provide early childhood services denied or revoked by the department following a finding that services are required under chapter 50-25.1 and that finding has become final or has not been contested by that other individual; or
 - d. The individual has been found guilty of, pled guilty to, or pled no contest to:
 - (1) An offense described under chapter 12.1-16, 12.1-18, 12.1-27.2, or 12.1-41; section 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-06, 12.1-17-07.1, 12.1-17-12, 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07, 12.1-21-01, 12.1-22-01, 12.1-29-01, 12.1-29-02, 12.1-31-05, or 14-09-22; or subdivision b of subsection 2 of section 12.1-22-02.
 - (2) An offense under the laws of another jurisdiction which requires proof of substantially similar elements as the elements required for conviction under any offense identified in paragraph 1.
2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of subsection 1 if the department has made a determination that the individual is able to provide care that is free of abuse and neglect, in spite of a finding that services are required under chapter 50-25.1, which has become final or has not been contested.
3. An individual is not guilty of a class B misdemeanor under subdivision d of subsection 1 in the case of a misdemeanor offense described under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1, or an equivalent offense in another jurisdiction which requires proof of

substantially similar elements as required for conviction for offenses under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1, if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.

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-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1347.

House Vote: Yeas 90 Nays 4 Absent 0

Senate Vote: Yeas 43 Nays 2 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State