

HOUSE BILL NO. 1029

Introduced by

Legislative Management

(Commission on Alternatives to Incarceration)

1 A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota
2 Century Code, relating to neglect of a child; to amend and reenact subdivision a of subsection 1
3 of section 12.1-32-15, section 14-09-22, paragraph 1 of subdivision d of subsection 3 of section
4 27-20-02, and subsection 3 of section 50-25.1-02 of the North Dakota Century Code, relating to
5 abuse of a child; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 12.1-32-15 of the
8 North Dakota Century Code is amended and reenacted as follows:

9 a. "A crime against a child" means a violation of chapter 12.1-16, section
10 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04,
11 subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01,
12 12.1-18-02, 12.1-18-05, chapter 12.1-29, or ~~subdivision a of subsection 1 or~~
13 ~~subsection 2 of section 14-09-22~~, labor trafficking in violation of chapter 12.1-40,
14 or an equivalent offense from another court in the United States, a tribal court, or
15 court of another country, in which the victim is a minor or is otherwise of the age
16 required for the act to be a crime or an attempt or conspiracy to commit these
17 offenses.

18 **SECTION 2. AMENDMENT.** Section 14-09-22 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **14-09-22. Abuse or neglect of child - Penalty.**

21 1. Except as provided in subsection 2 or 3, a parent, adult family or household member,
22 guardian, or other custodian of any child, who willfully ~~commits any of the following~~
23 offenses inflicts or allows to be inflicted upon the child mental injury or bodily injury,
24 substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 is

- 1 guilty of a class C felony except if the victim of an offense under ~~subdivision a~~ this
2 section is under the age of six years in which case the offense is a class B felony:
- 3 a. ~~Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily~~
4 ~~injury, or serious bodily injury as defined by section 12.1-01-04 or mental injury.~~
- 5 b. ~~Fails to provide proper parental care or control, subsistence, education as~~
6 ~~required by law, or other care or control necessary for the child's physical,~~
7 ~~mental, or emotional health, or morals.~~
- 8 e. ~~Permits the child to be, or fails to exercise reasonable diligence in preventing the~~
9 ~~child from being, in a disreputable place or associating with vagrants or vicious or~~
10 ~~immoral persons.~~
- 11 d. ~~Permits the child to engage in, or fails to exercise reasonable diligence in~~
12 ~~preventing the child from engaging in, an occupation forbidden by the laws of this~~
13 ~~state or an occupation injurious to the child's health or morals or the health or~~
14 ~~morals of others.~~
- 15 2. A person who provides care, supervision, education, or guidance for a child
16 unaccompanied by the child's parent, adult family or household member, guardian, or
17 custodian in exchange for money, goods, or other services and who while providing
18 such services commits an offense under ~~subdivision a of subsection 1~~ this section is
19 guilty of a class B felony. Any such person ~~whethat~~ commits, allows to be committed,
20 or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20
21 is subject to the penalties provided in that chapter.
- 22 3. A person ~~whethat~~ commits an offense under ~~subdivision a of subsection 1~~ this section
23 is guilty of a class B felony if the victim suffers permanent loss or impairment of the
24 function of a bodily member or organ, except if the victim of the offense is under the
25 age of six years in which case the offense is a class A felony.

26 **SECTION 3.** A new section to chapter 14-09 of the North Dakota Century Code is created
27 and enacted as follows:

28 **Neglect of child - Penalty.**

29 A parent, adult family or household member, guardian, or other custodian of any child, who
30 willfully commits any of the following offenses is guilty of a class C felony:

- 1 1. Fails to provide proper parental care or control, subsistence, education as required by
2 law, or other care or control necessary for the child's physical, mental, or emotional
3 health, or morals.
- 4 2. Permits the child to be, or fails to exercise reasonable diligence in preventing the child
5 from being, in a disreputable place or associating with vagrants or vicious or immoral
6 persons.
- 7 3. Permits the child to engage in, or fails to exercise reasonable diligence in preventing
8 the child from engaging in, an occupation forbidden by the laws of this state or an
9 occupation injurious to the child's health or morals or the health or morals of others.

10 **SECTION 4. AMENDMENT.** Paragraph 1 of subdivision d of subsection 3 of section
11 27-20-02 of the North Dakota Century Code is amended and reenacted as follows:

- 12 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or ~~subdivision a-~~
13 ~~of subsection 1 of section~~ 14-09-22 in which the victim is another child of the
14 parent;

15 **SECTION 5. AMENDMENT.** Subsection 3 of section 50-25.1-02 of the North Dakota
16 Century Code is amended and reenacted as follows:

- 17 3. "Abused child" means an individual under the age of eighteen years who is suffering
18 from abuse as defined in ~~subdivision a of subsection 1 of section~~ 14-09-22 caused by
19 a person responsible for the child's welfare and "sexually abused child" means an
20 individual under the age of eighteen years who is subjected by a person responsible
21 for the child's welfare, or by any individual who acts in violation of sections 12.1-20-01
22 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2.