

HOUSE BILL NO. 1395

Introduced by

Representatives Schauer, Adams, Buffalo, Hager, K. Koppelman, Mitskog, Pyle, Satrom
Senator Hogan

1 A BILL for an Act to amend and reenact section 14-09-22 of the North Dakota Century Code,
2 relating to requiring evaluations for individuals convicted of child abuse; to provide for a
3 legislative management study; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 14-09-22 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-09-22. Abuse of child - Penalty.**

- 8 1. Except as provided in subsection 2 or 3, a parent, adult family or household member,
9 guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted
10 upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily
11 injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim
12 of an offense under this section is under the age of six years in which case the offense
13 is a class B felony.
- 14 2. A person who provides care, supervision, education, or guidance for a child
15 unaccompanied by the child's parent, adult family or household member, guardian, or
16 custodian in exchange for money, goods, or other services and who while providing
17 such services commits an offense under this section is guilty of a class B felony. Any
18 such person that commits, allows to be committed, or conspires to commit, against the
19 child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided
20 in that chapter.
- 21 3. A person that commits an offense under this section is guilty of a class B felony if the
22 victim suffers permanent loss or impairment of the function of a bodily member or
23 organ, except if the victim of the offense is under the age of six years in which case
24 the offense is a class A felony.

1 4. For any person who pleads guilty or is convicted of an offense under this section, the
2 court shall include in the sentence an order for the person to complete a parental
3 capacity evaluation, mental health evaluation, and anger management assessment,
4 and to participate in all treatment recommended as a result of those evaluations.

5 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - IMPLEMENTATION OF FAMILY**

6 **LAW COURT.** During the 2019-20 interim, the legislative management shall consider studying
7 the state's process for handling child abuse and neglect and domestic violence cases to ensure
8 all involved entities are working together to ensure the protection of children. The study must
9 consider the feasibility and desirability of separating family law cases, in particular child
10 deprivation and abuse and neglect cases, from other cases in the state judicial system, and the
11 benefits of implementing a specialized family law court system that includes specialized training
12 for family law judges. The legislative management shall report its findings and
13 recommendations, together with any legislation required to implement the recommendations, to
14 the sixty-seventh legislative assembly.