

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1396

Introduced by

Representatives Schauer, Adams, Hoverson, K. Koppelman, Mitskog, Pyle, Satrom

Senator Hogan

1 A BILL for an Act to create and enact a new subsection to section 12-67-02 of the North Dakota  
2 Century Code, relating to electronic monitoring; ~~to amend and reenact section 14-09-22 of the~~  
3 ~~North Dakota Century Code, relating to mandatory sentencing for abuse of a child; and to~~  
4 ~~provide a penalty.~~

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

6 **SECTION 1.** A new subsection to section 12-67-02 of the North Dakota Century Code is  
7 created and enacted as follows:

8 Notwithstanding any other provision of law, an offender who has pled guilty or nolo  
9 contendere to, or has been found guilty of a felony under section 14-09-22, is not  
10 eligible for electronic home detention or home-based global position system  
11 monitoring if a minor is present in the home.

12 ~~— **SECTION 2. AMENDMENT.** Section 14-09-22 of the North Dakota Century Code is~~  
13 ~~amended and reenacted as follows:~~

14 ~~— **14-09-22. Abuse of child - Mandatory sentence - Penalty.**~~

15 ~~— 1. — Except as provided in subsection 2 or 3, a parent, adult family or household member,~~  
16 ~~guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted~~  
17 ~~upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily~~  
18 ~~injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim~~  
19 ~~of an offense under this section is under the age of six years in which case the offense~~  
20 ~~is a class B felony. Any person who has pled guilty or nolo contendere to, or has been~~  
21 ~~found guilty of an offense under this subsection, and the victim of the offense is under~~  
22 ~~the age of two years, must be sentenced to a minimum of two years imprisonment.~~

23 ~~— 2. — A person who provides care, supervision, education, or guidance for a child~~  
24 ~~unaccompanied by the child's parent, adult family or household member, guardian, or~~

1            ~~custodian in exchange for money, goods, or other services and who while providing~~  
2            ~~such services commits an offense under this section is guilty of a class B felony. Any~~  
3            ~~such person that~~who ~~commits, allows to be committed, or conspires to commit,~~  
4            ~~against the child, a sex offense as defined in chapter 12.1-20 is subject to the~~  
5            ~~penalties provided in that chapter. Any person who has pled guilty or nolo contendere~~  
6            ~~to, or has been found guilty of an offense under this subsection, and the victim of the~~  
7            ~~offense is under the age of two years, must be sentenced to a minimum of one year~~  
8            ~~imprisonment.~~

9            ~~3.~~ A person ~~that~~who ~~commits an offense under this section is guilty of a class B felony if~~  
10           ~~the victim suffers permanent loss or impairment of the function of a bodily member or~~  
11           ~~organ, except if the victim of the offense is under the age of six years in which case~~  
12           ~~the offense is a class A felony. Any person who has pled guilty or nolo contendere to,~~  
13           ~~or has been found guilty of an offense under this subsection, and the victim of the~~  
14           ~~offense is under the age of two years, must be sentenced to a minimum of three years~~  
15           ~~imprisonment.~~