

HOUSE BILL NO. 1082

Introduced by

Judiciary Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota
2 Century Code, relating to the prohibition on aiding and abetting sexual abuse; and to provide for
3 a penalty.

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

5 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Prohibition on aiding and abetting sexual abuse.**

8 1. The state educational agency, or local educational agency that receives federal funds
9 under section 8546 of the Elementary and Secondary Education Act [20 U.S.C. 7926]
10 shall prohibit any individual who is a school employee, contractor, or agent, or any
11 state educational agency or local educational agency, from assisting a school
12 employee, contractor, or agent in obtaining a new job, apart from the routine
13 transmission of administrative and personnel files, if the individual or agency knows, or
14 has **substantial** probable cause to believe, that the school employee, contractor, or
15 agent engaged in sexual misconduct regarding a minor or student in violation of law.

16 2. Subsection 1 does not apply if:

17 a. The information ~~giving rise to probable cause~~ has been properly reported to a law
18 enforcement agency with jurisdiction over the alleged misconduct and any other
19 authorities as required by federal, state, or local law; and

20 b. (1) The matter has been officially closed or the prosecutor or police with
21 jurisdiction over the alleged misconduct has investigated the allegations and
22 notified school officials that there is insufficient information to establish
23 probable cause that the school employee, contractor, or agent engaged in
24 sexual misconduct regarding a minor or student in violation of the law;

- 1 (2) The school employee, contractor, or agent has been charged with, and
2 acquitted or otherwise exonerated of the alleged misconduct; or
3 (3) The case or investigation remains open and there have been no charges
4 filed against, or indictment of, the school employee, contractor, or agent
5 within ~~four years~~one year of the date on which the information was reported
6 to a law enforcement agency.

7 **SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Conviction of aiding and abetting sexual abuse - Penalty.**

10 Any individual who is a school district employee, contractor, or agent convicted of aiding
11 and abetting sexual abuse as described in section 1 of this Act is guilty of a class B
12 misdemeanor.