

**HOUSE BILL NO. 1347**

Introduced by

Representatives Bosch, J. Nelson

Senators Davison, Lee

1 A BILL ~~for an Act to amend and reenact subsection 11 of section 50-11.1-02 and section~~  
2 ~~50-11.1-06 of the North Dakota Century Code, relating to registration of in-home providers of~~  
3 ~~early childhood services; and to provide for application.~~ for an Act to amend and reenact section  
4 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for the provision of early  
5 childhood services.

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

7 ~~— **SECTION 1. AMENDMENT.** Subsection 11 of section 50-11.1-02 of the North Dakota-~~  
8  ~~Century Code is amended and reenacted as follows:~~

9 ~~— 11. — "In-home provider" means anya person who<sup>that</sup> provides early childhood services to~~  
10  ~~children, including in the provider's home or the children's home, for at least two hours~~  
11  ~~a day for three or more days a week.~~

12 ~~— **SECTION 2. AMENDMENT.** Section 50-11.1-06 of the North Dakota Century Code is~~  
13  ~~amended and reenacted as follows:~~

14 ~~— **50-11.1-06. In-home provider – Registration voluntaryrequired – Prerequisites for**~~  
15  ~~**approval – Issuance of registration documentFees – Term.**~~

16 ~~— 1. — An in-home provider shall hold a registration document, self-declaration, or license-~~  
17  ~~issued by the department under this chapter. An in-home provider maywho does not~~  
18  ~~hold a self-declaration or license shall apply for a registration document from the-~~  
19  ~~department. TheAn applicant shall apply for a registration document at least sixty days-~~  
20  ~~and no more than ninety days before the expiration date of the applicant's current~~  
21  ~~registration document, self-declaration, or license.~~

22 ~~— 2. — Within thirty days of timely receipt of a completed application and all support~~  
23  ~~documents, the department or the department's authorized agent shall determine~~  
24  ~~whether the applicant meets the standards and shall issue or deny a registration-~~

1 document based upon that determination. A registration document for an in-home  
2 provider may not be effective for longer than one year~~two years~~. The application and  
3 supporting documents may not include any fraudulent or untrue representations. The  
4 department may consider the early childhood services history of the applicant in  
5 determining issuance of a registration document. The department may investigate an  
6 applicant according to rules adopted by the department to determine whether the  
7 applicant has a criminal record or has been the subject of a finding of services  
8 required for child abuse and neglect. The department may issue a provisional in-home  
9 provider registration document in accordance with the rules of the department.

10 ~~3. An applicant for a registration document shall pay the department a nonrefundable fee~~  
11 ~~of fifteen dollars at the time the application is filed. If the nonrefundable fee and~~  
12 ~~application are submitted less than sixty days before the expiration of the applicant's~~  
13 ~~current registration document, license, or self-declaration, the applicant shall submit~~  
14 ~~with the application two times the regular nonrefundable fee. All fees collected under~~  
15 ~~this section must be paid to the department or the department's authorized agent and~~  
16 ~~the department shall use the fees collected to defray the cost of investigating,~~  
17 ~~inspecting, and evaluating applications for registration documents.~~

18 ~~SECTION 3. APPLICATION. Within one year of the effective date of this Act, the~~  
19 ~~department of human services shall implement section 2 of this Act statewide.~~

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

22 **50-11.1-13.1. Penalty for provision of services - When applicable.**

- 23 1. An individual who provides early childhood services to any child, other than a child  
24 who is a member of that individual's household, is guilty of a class B misdemeanor if:
- 25 a. Those services are provided after that individual is required to register as a  
26 sexual offender;
  - 27 b. The department has denied that individual's application for licensure, or  
28 self-declaration, or registration to provide early childhood services or has revoked  
29 that individual's license, self-declaration, or registration document to provide early  
30 childhood services following a finding that services are required under chapter

1 50-25.1 and that finding has become final or has not been contested by that  
2 individual;~~or~~

3 c. The individual allows another individual to be in the presence of the child  
4 receiving early childhood services if that other individual is required to register as  
5 a sexual offender or has had an application for licensure, self-declaration, or  
6 registration to provide early childhood services denied or revoked by the  
7 department following a finding that services are required under chapter 50-25.1  
8 and that finding has become final or has not been contested by that other  
9 individual; or

10 d. The individual has been found guilty of, pled guilty to, or pled no contest to:

11 (1) An offense described under chapters 12.1-16, 12.1-18, 12.1-27.2, or  
12 12.1-41 or sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03,  
13 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,  
14 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,  
15 12.1-22-01, 12.1-22-02, 12.1-29-01, 12.1-29-02, 12.1-31-05, 14-09-22, or  
16 14-09-22.1; or

17 (2) An offense under the laws of another jurisdiction which requires proof of  
18 substantially similar elements as the elements required for conviction under  
19 any offense identified in paragraph 1.

20 2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of  
21 subsection 1 if the department has made a determination that the individual is able to  
22 provide care that is free of abuse and neglect, in spite of a finding that services are  
23 required under chapter 50-25.1, which has become final or has not been contested.

24 3. An individual is not guilty of a class B misdemeanor under subdivision d of  
25 subsection 1 in the case of a misdemeanor offense described under sections  
26 12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1 or an equivalent offense in  
27 another jurisdiction which requires proof of substantially similar elements as required  
28 for conviction for offenses under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or  
29 12.1-17-07.1, if five years have elapsed after final discharge or release from any term  
30 of probation, parole, or other form of community corrections or imprisonment, without  
31 subsequent conviction.