

Introduced by

Representatives Bosch, J. Nelson

Senators Davison, Lee

1 A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code,  
2 relating to a penalty for the provision of early childhood services.

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

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

6 **50-11.1-13.1. Penalty for provision of services - When applicable.**

- 7 1. An individual who provides early childhood services to any child, other than a child  
8 who is a member of that individual's household, is guilty of a class B misdemeanor if:
- 9 a. Those services are provided after that individual is required to register as a  
10 sexual offender;
  - 11 b. The department has denied that individual's application for licensure, or  
12 self-declaration, or registration to provide early childhood services or has revoked  
13 that individual's license, self-declaration, or registration document to provide early  
14 childhood services following a finding that services are required under chapter  
15 50-25.1 and that finding has become final or has not been contested by that  
16 individual; ~~or~~
  - 17 c. The individual allows another individual to be in the presence of the child  
18 receiving early childhood services if that other individual is required to register as  
19 a sexual offender or has had an application for licensure, self-declaration, or  
20 registration to provide early childhood services denied or revoked by the  
21 department following a finding that services are required under chapter 50-25.1  
22 and that finding has become final or has not been contested by that other  
23 individual; or
  - 24 d. The individual has been found guilty of, pled guilty to, or pled no contest to:

- 1                   (1) An offense described under ~~chapters~~chapter 12.1-16, 12.1-18, 12.1-27.2, or  
2                   12.1-41, ~~or sections~~; section 12.1-17-01, 12.1-17-01.1, 12.1-17-02,  
3                   12.1-17-03, 12.1-17-04, 12.1-17-06, 12.1-17-07.1, 12.1-17-12, 12.1-20-03,  
4                   12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07,  
5                   12.1-21-01, 12.1-22-01, ~~12.1-22-02~~, 12.1-29-01, 12.1-29-02, 12.1-31-05,  
6                   14-09-22, or 14-09-22.1; or subdivision b of subsection 2 of section  
7                   12.1-22-02.  
8                   (2) An offense under the laws of another jurisdiction which requires proof of  
9                   substantially similar elements as the elements required for conviction under  
10                  any offense identified in paragraph 1.  
11                  2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of  
12                  subsection 1 if the department has made a determination that the individual is able to  
13                  provide care that is free of abuse and neglect, in spite of a finding that services are  
14                  required under chapter 50-25.1, which has become final or has not been contested.  
15                  3. An individual is not guilty of a class B misdemeanor under subdivision d of  
16                  subsection 1 in the case of a misdemeanor offense described under sections  
17                  12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1, or an equivalent offense in  
18                  another jurisdiction which requires proof of substantially similar elements as required  
19                  for conviction for offenses under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or  
20                  12.1-17-07.1, if five years have elapsed after final discharge or release from any term  
21                  of probation, parole, or other form of community corrections or imprisonment, without  
22                  subsequent conviction.