

§ 7. In any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or information or indictment dismissed.

§ 8. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 20, 1947.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 135

H. B. No. 330—Brickner and Starck)

ADOPTION—WHO MAY PETITION DISTRICT COURT

AN ACT

To amend and reenact Section 14-1108 of the North Dakota Revised Code of 1943 relating to petitions for adoption and providing for their filing in the district court of the judicial district of petitioner's residence and eliminating provision for filing in county courts of increased jurisdiction; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 14-1108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1108. WHO MAY PETITION DISTRICT COURT FOR ADOPTION.] Any person may petition the district court in the judicial district in which he is a resident, for leave to adopt a minor child, and if desired for a change of the child's name.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in force and effect from and after the date of its passage and approval.

Approved March 15, 1947.

CHAPTER 136

H. B. No. 187
(Graham, Brickner, Wadeson, Welk)

CHILD ABANDONMENT OR NONSUPPORT

AN ACT

Amending and reenacting Section 14-0715 of the North Dakota Revised Code of 1943, Relating to Abandonment and Nonsupport of Minor Children by Parent or Other Person Legally Responsible for Their Support.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 14-0715 of the North Dakota Revised Code of 1943 be, and the same is hereby amended and reenacted to read as follows:

14-0715. ABANDONMENT OR NONSUPPORT OF CHILD.] Every parent or other person legally responsible for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who wholly abandons such child or willfully fails to furnish food, shelter, clothing, and medical attention reasonably necessary and sufficient to keep the child's life from danger and discomfort and his health from injury, is guilty of a felony. The fact, if it is a fact, that either parent may have secured a decree of divorce awarding the custody of such child, in no manner shall relieve either parent from the requirements and penalty of this section, except that compliance with the terms of such decree for support of such child shall be deemed a compliance herewith; provided, however, that if the parent or other person legally responsible for the care or support of a child who is under the age of sixteen years and unable to support himself, as hereinbefore provided, while in another state, and while such minor child is in this state, wilfully and intentionally fails to furnish food, clothing, shelter, and medical attention as herein provided, such failure shall nevertheless be construed to have been committed in this state, and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state.

Approved March 15, 1947.

CHAPTER 137

H. B. No. 297

(Saller, Luick, Herk and Yirchott)

CHILD NEGLECT

AN ACT

Declaring it a crime for any parent, guardian or custodian of a child under eighteen years of age to neglect such child or knowingly, and wilfully allowing such child to associate with disreputable persons or allowing him to engage in occupations injurious to the health or morals of such child, providing a penalty therefor, and authorizing the suspension of sentence.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. NEGLECT OF CHILD.] A parent, guardian, or other custodian of any child under the age of eighteen years who shall cruelly abuse or wilfully neglect or refuse to provide subsistence, education or other necessary care for the health, morals or well being of such child, or who shall knowingly and wilfully permit and allow any such child to be in a disreputable place or associate with vagrants, vicious or immoral persons, or engage in an occupation forbidden by the laws of North Dakota, or to engage in an occupation injurious to his health or morals or to the health or morals of others, or any such parent, guardian, or custodian who, in the supervision and control of such child, shall fail to exercise reasonable diligence in preventing such child from being in a disreputable place or from associating with vagrants, vicious or immoral persons, or from engaging in an occupation forbidden by the laws of North Dakota, or from engaging in any occupation injurious to his health or morals or to the health and morals of others shall be guilty of a misdemeanor.

§ 2. PUNISHMENT.] When it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, the court shall have power after conviction or after plea of guilty for the violation of this Act to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as the court may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation or may change the period of probation. The period of probation, together with any extension, shall not exceed two years.

Approved March 15, 1947.

CHAPTER 138

S. B. No. 156

(Committee on Veterans and Military Affairs)

GROUNDS FOR DIVORCE

AN ACT

To amend and reenact Subsection 7 of Section 14-0503 of the North Dakota Revised Code of 1943, relating to grounds for divorce.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Subsection 7 of Section 14-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. Insanity for a period of five years, the insane person having been an inmate of an institution for such period, and affected with any one of the following types of insanity: paronia, paresis, dementia praecox, Huntington's chorea, or epileptic insanity. No divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians who are recognized authorities on mental diseases, one of which physicians shall be the superintendent of the state hospital for the insane, or the chief medical officer of a veterans' administration hospital or government institution within or without the State of North Dakota, the other two physicians to be appointed by the court before whom the action is pending, all of whom shall agree that such insane person is incurable. No divorce shall be granted to any person whose husband or wife is an inmate of an institution, except an United States Government hospital or institution, in any other than the state of North Dakota, unless the person applying for such divorce shall have been a resident of the state of North Dakota for at least five years.

Approved March 7, 1947.

CHAPTER 139

H. B. No. 188

(Graham, Brickner, Wadeson, Welk)

WIFE ABANDONMENT OR NONSUPPORT

AN ACT

To amend and reenact Section 14-0716 of the North Dakota Revised Code of 1943, relating to abandonment and nonsupport of wife by husband, and providing a penalty therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 14-0716 of the North Dakota Revised Code of 1943 be, and the same is, hereby amended and reenacted to read as follows:

14-0716. ABANDONMENT OR NONSUPPORT OF WIFE.] Every husband who, without lawful excuse, deserts his wife with intent wholly to abandon her or who wilfully fails to furnish such food, shelter, clothing, and medical attention as is reasonably necessary and sufficient to keep the life of his wife from danger and discomfort and her health from injury, is guilty of a felony;

Provided, however, that if a husband while in another state and having left his wife in this state, willfully and intentionally and without lawful excuse deserts his wife and abandons her, or while in such other state, willfully and intentionally fails to furnish such food, shelter, clothing and medical attention as is reasonably necessary, as herein provided, while his wife is in this state, such abandonment and failure to support shall be construed to have been committed in this state and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state and he shall be subject to the penalty as in this section provided.

Approved March 15, 1947.