

**SENATE BILL NO. 2174**

Introduced by

Senators Lyson, Erbele, Trenbeath

Representatives Delmore, Norland

1 A BILL for an Act to amend and reenact section 14-09-22 of the North Dakota Century Code,  
2 relating to the use of corporal punishment.

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

4 **SECTION 1. AMENDMENT.** Section 14-09-22 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09-22. Abuse or neglect of child - Penalty.**

- 7 1. Except as provided in subsection 2, a parent, adult family or household member,  
8 guardian, or other custodian of any child, who willfully commits any of the following  
9 offenses is guilty of a class C felony except if the victim of an offense under  
10 subdivision a is under the age of six years in which case the offense is a class B  
11 felony:
- 12 a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily  
13 injury, or serious bodily injury as defined by section 12.1-01-04 or mental  
14 injury.
  - 15 b. Fails to provide proper parental care or control, subsistence, education as  
16 required by law, or other care or control necessary for the child's physical,  
17 mental, or emotional health, or morals.
  - 18 c. Permits the child to be, or fails to exercise reasonable diligence in preventing  
19 the child from being, in a disreputable place or associating with vagrants or  
20 vicious or immoral persons.
  - 21 d. Permits the child to engage in, or fails to exercise reasonable diligence in  
22 preventing the child from engaging in, an occupation forbidden by the laws of  
23 this state or an occupation injurious to the child's health or morals or the  
24 health or morals of others.

- 1           2.   A person who provides care, supervision, education, or guidance for a child  
2               unaccompanied by the child's parent, adult family or household member, guardian,  
3               or custodian in exchange for money, goods, or other services and who while  
4               providing such services commits an offense under subdivision a of subsection 1 is  
5               guilty of a class B felony. Any such person who commits, allows to be committed,  
6               or conspires to commit, against the child, a sex offense as defined in  
7               chapter 12.1-20 is subject to the penalties provided in that chapter.
- 8           3.   It is not an offense under this section for a parent, guardian, or other custodian of a  
9               child to administer reasonable corporal punishment if:
  - 10           a.   The corporal punishment does not result in any serious bodily injury to the  
11               child;
  - 12           b.   The corporal punishment does not involve the use of any dangerous weapon;  
13               and
  - 14           c.   There does not exist any pattern of abuse or neglect by that parent, guardian,  
15               or custodian within the preceding twelve months.
- 16           4.   For purposes of subsection 3, "corporal punishment" means the willful infliction of  
17               physical pain on a child.