

Introduced by

1 A BILL for an Act to amend and reenact section 19-03.1-22.2 and subsection 3 of section
2 27-20-02 of the North Dakota Century Code, relating to endangerment of a child or vulnerable
3 adult; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 19-03.1-22.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-03.1-22.2. Endangerment of child or vulnerable adult.**

8 1. For purposes of this section:

9 a. "Chemical substance" means a substance intended to be used as a precursor in
10 the manufacture of a controlled substance or any other chemical intended to be
11 used in the manufacture of a controlled substance. Intent under this subsection
12 may be demonstrated by the substance's use, quantity, manner of storage, or
13 proximity to other precursors or to manufacturing equipment.

14 b. "Child" means an individual who is under the age of eighteen years.

15 c. "Controlled substance" means the same as that term is defined in section
16 19-03.1-01, except the term does not include less than ~~one-half~~one ounce of
17 marijuana.

18 d. "Drug paraphernalia" means the same as that term is defined in section
19 19-03.4-01 with respect to a controlled substance other than marijuana.

20 e. "Prescription" means the same as that term is described in section 19-03.1-22.

21 f. "Vulnerable adult" means either a disabled adult or vulnerable elderly adult as
22 those terms are defined in section 12.1-31-07.

23 2. Unless a greater penalty is otherwise provided by law, a person who knowingly or
24 intentionally causes or permits a child or vulnerable adult to ~~be exposed to, to ingest or~~

1 inhale; or to have contact with a controlled substance, chemical substance, or drug
2 paraphernalia as defined in subsection 1, is guilty of a class C felony.

3 3. Unless a greater penalty is otherwise provided by law, a person who violates
4 subsection 2, and a child or vulnerable adult actually suffers bodily injury by ~~exposure-~~
5 ~~to~~, ingestion of, inhalation of, or contact with a controlled substance, chemical
6 substance, or drug paraphernalia, is guilty of a class B felony unless the ~~exposure,~~
7 ingestion, inhalation, or contact results in the death of the child or vulnerable adult, in
8 which case the person is guilty of a class A felony.

9 4. It is an affirmative defense to a violation of this section that the controlled substance
10 was provided by lawful prescription for the child or vulnerable adult and that it was
11 administered to the child or vulnerable adult in accordance with the prescription
12 instructions provided with the controlled substance.

13 **SECTION 2. AMENDMENT.** Subsection 3 of section 27-20-02 of the North Dakota Century
14 Code is amended and reenacted as follows:

15 3. "Aggravated circumstances" means circumstances in which a parent:
16 a. Abandons, tortures, chronically abuses, or sexually abuses a child;
17 b. Fails to make substantial, meaningful efforts to secure treatment for the parent's
18 addiction, mental illness, behavior disorder, or any combination of those
19 conditions for a period equal to the lesser of:
20 (1) One year; or
21 (2) One-half of the child's lifetime, measured in days, as of the date a petition
22 alleging aggravated circumstances is filed;
23 c. Engages in conduct prohibited under sections 12.1-20-01 through 12.1-20-08 or
24 chapter 12.1-27.2, in which a child is the victim or intended victim;
25 d. Engages in conduct that constitutes one of the following crimes, or of an offense
26 under the laws of another jurisdiction which requires proof of substantially similar
27 elements:
28 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subdivision a
29 of subsection 1 of section 14-09-22 in which the victim is another child of the
30 parent;

1 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
2 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
3 parent; or

4 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
5 and has suffered serious bodily injury;

6 e. Engages or attempts to engage in conduct, prohibited under sections 12.1-17-01
7 through 12.1-17-04, in which a child is the victim or intended victim;

8 f. Has been incarcerated under a sentence for which the latest release date is:

9 (1) In the case of a child age nine or older, after the child's majority; or

10 (2) In the case of a child, after the child is twice the child's current age,
11 measured in days; or

12 g. Subjects the child to prenatal exposure to chronic or severe use of alcohol or any
13 controlled substance as defined in chapter 19-03.1 in a manner not lawfully
14 prescribed by a practitioner; ~~or~~

15 ~~h. Allows the child to be present in an environment subjecting the child to exposure~~
16 ~~to a controlled substance, chemical substance, or drug paraphernalia as~~
17 ~~prohibited by section 19-03.1-22.2.~~