## Sixty-sixth Legislative Assembly of North Dakota In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1396 (Representatives Schauer, Adams, Hoverson, K. Koppelman, Mitskog, Pyle, Satrom) (Senator Hogan)

AN ACT to create and enact a new subsection to section 12-67-02 of the North Dakota Century Code, relating to electronic monitoring; to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to mandatory sentencing for abuse of a child; and to provide a penalty.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 12-67-02 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law, an offender who has pled guilty or nolo contendere to, or has been found guilty of a felony under section 14-09-22, is not eligible for electronic home detention or home-based global positioning system monitoring if a minor is present in the home.

**SECTION 2. AMENDMENT.** Section 14-09-22 of the North Dakota Century Code is amended and reenacted as follows:

## 14-09-22. Abuse of child - Mandatory sentence - Penalty.

- 1. Except as provided in subsection 2 or 3, a parent, adult family or household member, guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim of an offense under this section is under the age of six years in which case the offense is a class B felony.
- 2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child's parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under this section is guilty of a class B felony. Any such person that who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.
- 3. A person that who commits an offense under this section is guilty of a class B felony if the victim suffers permanent loss or impairment of the function of a bodily member or organ, except if the victim of the offense is under the age of six years in which case the offense is a class A felony.
- 4. A person who has pled guilty or nolo contendere to, or has been found guilty of an offense under this section must be sentenced to a minimum of one year imprisonment.

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	Speaker of the House			President of the Senate	
	Chief C	elerk of the House		Secretary of the Senate	
This certifies the Assembly of No	nat the within bil orth Dakota and	I originated in the is known on the r	House of Repre ecords of that bo	sentatives of the Sixty ody as House Bill No.	v-sixth Legislative 1396.
House Vote:	Yeas 88	Nays 4	Absent 2		
Senate Vote:	Yeas 46	Nays 1	Absent 0		
				Chief Clerk of the H	ouse
Received by the Governor atM. on					, 2019.
Approved atM. on					, 2019.
				Governor	
Filed in this office thisday of					, 2019,
at o'	clock	.M.			
				Secretary of State	