

**SENATE BILL NO. 2212**

Introduced by

Senators Dever, Brown, Mathern

Representatives Clark, Onstad, Pietsch

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-20-12.1, subsection 8 of  
2 section 27-20-02, subsection 2 of section 50-25.1-02, and section 50-25.1-03.1 of the North  
3 Dakota Century Code, relating to the crime of indecent exposure, definition of deprived child,  
4 and child abuse and neglect reporting requirements; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-20-12.1 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. A person, with intent to arouse, appeal to, or gratify that person's lust, passions, or  
9 sexual desires, is guilty of a class A misdemeanor if that person:
- 10 a. Masturbates in a public place or in the presence of a minor; or
  - 11 b. Exposes one's penis, vulva, or anus in a public place or to a minor in a public  
12 or private place.

13 **SECTION 2. AMENDMENT.** Subsection 8 of section 27-20-02 of the North Dakota  
14 Century Code is amended and reenacted as follows:

- 15 8. "Deprived child" means a child who:
- 16 a. Is without proper parental care or control, subsistence, education as required  
17 by law, or other care or control necessary for the child's physical, mental, or  
18 emotional health, or morals, and the deprivation is not due primarily to the  
19 lack of financial means of the child's parents, guardian, or other custodian;
  - 20 b. Has been placed for care or adoption in violation of law;
  - 21 c. Has been abandoned by the child's parents, guardian, or other custodian;
  - 22 d. Is without proper parental care, control, or education as required by law, or  
23 other care and control necessary for the child's well-being because of the  
24 physical, mental, emotional, or other illness or disability of the child's parent or

- 1 parents, and that such lack of care is not due to a willful act of commission or  
2 act of omission by the child's parents, and care is requested by a parent; or  
3 e. Is in need of treatment and whose parents, guardian, or other custodian have  
4 refused to participate in treatment as ordered by the juvenile court.  
5 f. Was subject to prenatal exposure to chronic and severe use of alcohol or any  
6 controlled substance as defined in chapter 19-03.1 in a manner not lawfully  
7 prescribed by a practitioner; or  
8 g. Is present in an environment subjecting the child to exposure to the  
9 clandestine manufacture of controlled substances, their precursors, or  
10 analogs.

11 **SECTION 3. AMENDMENT.** Subsection 2 of section 50-25.1-02 of the North Dakota  
12 Century Code is amended and reenacted as follows:

- 13 2. "Abused child" means an individual under the age of eighteen years who is  
14 suffering from serious physical harm or traumatic abuse caused by other than  
15 accidental means by a person responsible for the child's welfare, or who is  
16 suffering from or was subjected to any act ~~involving that individual~~ in violation of  
17 sections 12.1-20-01 through 12.1-20-087.

18 **SECTION 4. AMENDMENT.** Section 50-25.1-03.1 of the North Dakota Century Code  
19 is amended and reenacted as follows:

20 **50-25.1-03.1. Photographs and x-rays.** Any person or official required to report under  
21 this chapter may cause to be taken color photographs of the areas of trauma visible on a child  
22 who is the subject of a report and, if indicated by medical consultation, cause to be performed a  
23 radiological examination or toxicology or laboratory testing of the child without the consent of  
24 the child's parents or guardian. All photographs taken pursuant to this section must be taken by  
25 law enforcement officials, physicians, or medical facility professionals upon the request of any  
26 person or official required to report under this chapter. Photographs, toxicology or laboratory  
27 reports, and x-rays taken, or copies of them, must be sent to the department or the  
28 department's designee at the time the initial report of child abuse or neglect is made or as soon  
29 thereafter as possible.