

HOUSE BILL NO. 1304

Introduced by

Representatives K. Koppelman, Brabandt, Klemin, Olson, Paur

Senator Armstrong

1 A BILL for an Act create and enact a new section to chapter 12.1-01, a new section to chapter
2 14-10, and a new section to chapter 27-20 of the North Dakota Century Code, relating to the
3 presumption of an individual's legal date of birth.

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

5 **SECTION 1.** A new section to chapter 12.1-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Presumption of age.**

8 1. In determining an individual's age for purposes of this title, the individual's date of birth
9 as provided by ~~United States government or a state government in the form of a birth-~~
10 ~~certificate, entry document, or state issued identification~~ ~~the~~ any of the following is
11 presumed to be the individual's legal date of birth. ~~This:~~

12 a. The United States government in the form of a tribal identification document,
13 military identification, passport, passport card, permanent resident card,
14 certificate of United States citizenship, certificate of naturalization, border
15 crossing card, visa, or other entry document that includes the individual's date of
16 birth;

17 b. A state government in the form of a birth certificate or other state-issued
18 identification that includes the individual's date of birth; or

19 c. A foreign government in the form of a passport, driver's license, or other foreign
20 government-issued identity document that includes the individual's date of birth.

21 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
22 the contrary.

23 **SECTION 2.** A new section to chapter 14-10 of the North Dakota Century Code is created
24 and enacted as follows:

1 **Presumption of age.**

2 1. In determining an individual's age for purposes of this chapter, the individual's date of
3 birth as provided by ~~the United States government or a state government in the form~~
4 ~~of a birth certificate, entry document, or state-issued identification~~any of the following
5 is presumed to be the individual's legal date of birth. ~~This:~~

6 a. The United States government in the form of a tribal identification document,
7 military identification, passport, passport card, permanent resident card,
8 certificate of United States citizenship, certificate of naturalization, border
9 crossing card, visa, or other entry document that includes the individual's date of
10 birth;

11 b. A state government in the form of a birth certificate or other state-issued
12 identification that includes the individual's date of birth; or

13 c. A foreign government in the form of a passport, driver's license, or other foreign
14 government-issued identity document that includes the individual's date of birth.

15 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
16 the contrary.

17 **SECTION 3.** A new section to chapter 27-20 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Presumption of age.**

20 1. In determining an individual's age for purposes of this chapter, the individual's date of
21 birth as provided by ~~the United States government or a state government in the form~~
22 ~~of a birth certificate, entry document, or state-issued identification~~any of the following
23 is presumed to be the individual's legal date of birth. ~~This:~~

24 a. The United States government in the form of a tribal identification document,
25 military identification, passport, passport card, permanent resident card,
26 certificate of United States citizenship, certificate of naturalization, border
27 crossing card, visa, or other entry document that includes the individual's date of
28 birth;

29 b. A state government in the form of a birth certificate or other state-issued
30 identification that includes the individual's date of birth; or

- 1 c. A foreign government in the form of a passport, driver's license, or other foreign
2 government-issued identity document that includes the individual's date of birth.
3 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to
4 the contrary.