Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1395

Introduced by

Representatives Schauer, Adams, Buffalo, Hager, K. Koppelman, Mitskog, Pyle, Satrom

Senator Hogan

A BILL for an Act to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to requiring evaluations for individuals convicted of child abuse; ~~to provide for a legislative management study;~~ and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

14-09-22. Abuse of child - 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 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 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. For any person who pleads guilty or is convicted of an offense under this section, the court shall include in the sentence an order for the person to complete a parental capacity evaluation, mental health evaluation, and anger management assessment, and to ~~participate in~~complete all treatment recommended as a result of those evaluations.

~~**SECTION 2. LEGISLATIVE MANAGEMENT STUDY - IMPLEMENTATION OF FAMILY LAW COURT.** During the 2019-20 interim, the legislative management shall consider studying the state's process for handling child abuse and neglect and domestic violence cases to ensure all involved entities are working together to ensure the protection of children. The study must consider the feasibility and desirability of separating family law cases, in particular child deprivation and abuse and neglect cases, from other cases in the state judicial system, and the benefits of implementing a specialized family law court system that includes specialized training for family law judges. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.~~