

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1396

Introduced by

Representatives Schauer, Adams, Hoverson, K. Koppelman, Mitskog, Pyle, Satrom

Senator Hogan

1 A BILL for an Act to create and enact a new subsection to section 12-67-02 of the North Dakota  
2 Century Code, relating to electronic monitoring; to amend and reenact section 14-09-22 of the  
3 North Dakota Century Code, relating to mandatory sentencing for abuse of a child; and to  
4 provide a penalty.

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

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

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

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

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

15 1. Except as provided in subsection 2 or 3, a parent, adult family or household member,  
16 guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted  
17 upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily  
18 injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim  
19 of an offense under this section is under the age of six years in which case the offense  
20 is a class B felony. Any person who has pled guilty or nolo contendere to, or has been  
21 found guilty of an offense under this subsection, and the victim of the offense is under  
22 the age of two years, must be sentenced to a minimum of two years imprisonment.

23 2. A person who provides care, supervision, education, or guidance for a child  
24 unaccompanied by the child's parent, adult family or household member, guardian, or

- 1           custodian in exchange for money, goods, or other services and who while providing  
2           such services commits an offense under this section is guilty of a class B felony. Any  
3           such person ~~that~~who commits, allows to be committed, or conspires to commit,  
4           against the child, a sex offense as defined in chapter 12.1-20 is subject to the  
5           penalties provided in that chapter. Any person who has pled guilty or nolo contendere  
6           to, or has been found guilty of an offense under this subsection, and the victim of the  
7           offense is under the age of two years, must be sentenced to a minimum of one year  
8           imprisonment.
- 9           3. A person ~~that~~who commits an offense under this section is guilty of a class B felony if  
10           the victim suffers permanent loss or impairment of the function of a bodily member or  
11           organ, except if the victim of the offense is under the age of six years in which case  
12           the offense is a class A felony. Any person who has pled guilty or nolo contendere to,  
13           or has been found guilty of an offense under this subsection, and the victim of the  
14           offense is under the age of two years, must be sentenced to a minimum of three years  
15           imprisonment.