

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1347

Introduced by

Representatives Bosch, J. Nelson

Senators Davison, Lee

1 A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code,
2 relating to a penalty for the provision of early childhood services.

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

4 **SECTION 1. AMENDMENT.** Section 50-11.1-13.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-11.1-13.1. Penalty for provision of services - When applicable.**

- 7 1. An individual who provides early childhood services to any child, other than a child
8 who is a member of that individual's household, is guilty of a class B misdemeanor if:
- 9 a. Those services are provided after that individual is required to register as a
10 sexual offender;
 - 11 b. The department has denied that individual's application for licensure, or
12 self-declaration, or registration to provide early childhood services or has revoked
13 that individual's license, self-declaration, or registration document to provide early
14 childhood services following a finding that services are required under chapter
15 50-25.1 and that finding has become final or has not been contested by that
16 individual; ~~or~~
 - 17 c. The individual allows another individual to be in the presence of the child
18 receiving early childhood services if that other individual is required to register as
19 a sexual offender or has had an application for licensure, self-declaration, or
20 registration to provide early childhood services denied or revoked by the
21 department following a finding that services are required under chapter 50-25.1
22 and that finding has become final or has not been contested by that other
23 individual; or
 - 24 d. The individual has been found guilty of, pled guilty to, or pled no contest to:

- 1 (1) An offense described under chapters 12.1-16, 12.1-18, 12.1-27.2, or
2 12.1-41, or sections 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03,
3 12.1-17-04, 12.1-17-06, 12.1-17-07.1, 12.1-17-12, 12.1-20-03, 12.1-20-03.1,
4 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07, 12.1-21-01,
5 12.1-22-01, 12.1-22-02, 12.1-29-01, 12.1-29-02, 12.1-31-05, 14-09-22, or
6 14-09-22.1; or
7 (2) An offense under the laws of another jurisdiction which requires proof of
8 substantially similar elements as the elements required for conviction under
9 any offense identified in paragraph 1.
- 10 2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of
11 subsection 1 if the department has made a determination that the individual is able to
12 provide care that is free of abuse and neglect, in spite of a finding that services are
13 required under chapter 50-25.1, which has become final or has not been contested.
- 14 3. An individual is not guilty of a class B misdemeanor under subdivision d of
15 subsection 1 in the case of a misdemeanor offense described under sections
16 12.1-17-01, 12.1-17-03, 12.1-17-06, or 12.1-17-07.1, or an equivalent offense in
17 another jurisdiction which requires proof of substantially similar elements as required
18 for conviction for offenses under sections 12.1-17-01, 12.1-17-03, 12.1-17-06, or
19 12.1-17-07.1, if five years have elapsed after final discharge or release from any term
20 of probation, parole, or other form of community corrections or imprisonment, without
21 subsequent conviction.