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Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2186

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marschall

A BILL for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code, relating to the removal or withholding of a child in violation of a custody decree; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-18-05 of the North Dakota Century Code is amended and reenacted as follows:

12.1-18-05. Removal of child ~~from state~~ in violation of custody decree - Penalty.

~~Any person~~

1. An individual who intentionally removes, causes the removal of, or detains the ~~person's~~individual's own child under the age of eighteen years outside this state with the intent to deny another ~~person's~~individual's rights in violation of ~~an existing~~a custody decree is guilty of a class C felony. ~~Detaining the child outside this state in violation of the custody decree for more than seventy-two hours is prima facie evidence that the person charged intended to violate the custody decree at the time of removal.~~
2. An individual who intentionally removes, causes the removal of, or detains the individual's own child under the age of eighteen years within this state with the intent to deny another individual's rights in violation of a custody decree is guilty of a class A misdemeanor for a first and second offense, and a class C felony for a third offense.