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Prepared by the Legislative Council staff for Senator Luick
January 24, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 false information or reports to law enforcement or the department of health and human services; 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 - False information or reports - 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~~individual 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~~an infraction for a first and second offense, ~~and~~ a ~~class C felony~~class B misdemeanor for a third offense, and a class A misdemeanor for a fourth offense. Detaining the child within this state in violation of the custody decree for more than seventy-two hours is prima facie evidence that the individual charged intended to violate the custody decree at the time of removal.

3. An individual who gives false information or a false report alleging harm to a child by one parent against the other to a law enforcement officer or the department of health and human services which that individual knows to be false, is guilty of an infraction for a first and second offense, a class B misdemeanor for a third offense, and a class A misdemeanor for a fourth offense.