

SENATE BILL NO. 2125

Introduced by

Senators Axness, Lyson, Mathern

Representatives Maragos, Gruchalla, Hogan

1 A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota
2 Century Code, relating to the duty to report a missing child or the death of a child; and to
3 provide a penalty.

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

5 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Missing child - Duty to report - Penalty.**

8 1. For purposes of this section and section 2 of this Act, "caretaker" means the individual
9 who is responsible for the physical control of a child and who is the child's biological or
10 adoptive parent, the spouse of the child's biological or adoptive parent, or an individual
11 acting in the stead of a child's parent at the request of the parent or another with
12 authority to make the request.

13 2. A ~~caregiver~~caretaker who is responsible at that time for the care of a child under the
14 age of thirteen years and who is unable to make contact with or otherwise verify the
15 whereabouts and safety of that child for a period of twenty-four hours is guilty of a
16 class C felony if the ~~caregiver~~caretaker willfully or negligently fails to report the child as
17 missing to law enforcement immediately after this twenty-four-hour period expires. ~~For~~
18 purposes of this section and section 2 of this Act, "caregiver" means a parent,
19 guardian, adult household member, or other individual responsible for a child's
20 welfare.

21 3. A caretaker who is responsible at that time for the care of a child at least thirteen years
22 of age but under the age of seventeen years and who is unable to make contact with
23 or otherwise verify the whereabouts and safety of that child for a period of forty-eight
24 hours is guilty of a class B misdemeanor if the caretaker willfully or negligently fails to

1 report the child as missing to law enforcement immediately after the forty-eight-hour
2 period expires.

3 **SECTION 2.** A new section to chapter 14-09 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Death of a child - Duty to report - Penalty.**

6 1. A ~~caregiver~~caretaker of a child in the ~~caregiver's~~scaretaker's care is guilty of a class C
7 felony if the ~~caregiver~~caretaker fails to:

8 a. Report the child's death to a law enforcement agency within two hours after
9 learning about the child's death; or

10 b. Report the location of the child's corpse to a law enforcement agency within two
11 hours after learning the location of the corpse.

12 2. This section does not apply to the death of a child which occurs while the child is
13 under the care of a health care professional or emergency medical personnel.