

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2323**

Introduced by

Senators Murphy, Hogue, Holmberg, Kilzer, Schneider

Representative Sanford

1 A BILL for an Act to amend and reenact sections 50-25.2-03 and 50-25.2-10 of the North
2 Dakota Century Code, relating to the reporting of abuse or neglect of a vulnerable adult; and to
3 provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 50-25.2-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-25.2-03. ~~Voluntary reporting~~Reporting of abuse or neglect - Method of reporting.**

8 1. Any medical or mental health professional or personnel, law enforcement officer,
9 firefighter, member of the clergy, or caregiver having knowledge that a vulnerable adult
10 has been subjected to abuse or neglect, or who observes a vulnerable adult being
11 subjected to conditions or circumstances that reasonably would result in abuse or
12 neglect, shall report the information to the department or the department's designee or
13 to an appropriate law enforcement agency if the knowledge is derived from information
14 received by that person in that person's official or professional capacity. A member of
15 the clergy, however, is not required to report the information if the knowledge is
16 derived from information received in the capacity of spiritual adviser. For purposes of
17 this subsection, "medical or mental health professional or personnel" means a
18 professional or personnel providing health care or services to a vulnerable adult, on a
19 full-time or part-time basis, on an individual basis or at the request of a caregiver, and
20 includes a physician, nurse, medical examiner, coroner, dentist, dental hygienist,
21 optometrist, pharmacist, chiropractor, podiatrist, physical therapist, occupational
22 therapist, addiction counselor, counselor, marriage and family therapist, social worker,
23 mental health professional, emergency medical services personnel, hospital

1 personnel, nursing home personnel, congregate care personnel, or any other person
2 providing medical and mental health services to a vulnerable adult.

3 2. A report, if required by section 25-01.3-04, satisfies all reporting requirements of this
4 chapter.

5 3. Any person not required to report under subsection 1 who has reasonable cause to
6 believe that a vulnerable adult has been subjected to abuse or neglect, or who
7 observes a vulnerable adult being subjected to conditions or circumstances that
8 reasonably would result in abuse or neglect, may report the information to the
9 department or the department's designee or to an appropriate law enforcement
10 agency. A law enforcement agency receiving a report under this section shall
11 immediately notify the department or the department's designee of the report.

12 2.4. A person reporting required to report under this section subsection 1 shall make an oral
13 or written report and a person voluntarily reporting under subsection 2 may make an
14 oral or written report, as soon as possible. To the extent reasonably possible, a person
15 who makes a report under this section shall include in the report:

- 16 a. The name, age, and residence address of the alleged vulnerable adult;
17 b. The name and residence address of the caregiver, if any;
18 c. The nature and extent of the alleged abuse or neglect or the conditions and
19 circumstances that would reasonably be expected to result in abuse or neglect;
20 d. Any evidence of previous abuse or neglect, including the nature and extent of the
21 abuse or neglect; and
22 e. Any other information that in the opinion of the person making the report may be
23 helpful in establishing the cause of the alleged abuse or neglect and the identity
24 of the individual responsible for the alleged abuse or neglect.

25 **SECTION 2. AMENDMENT.** Section 50-25.2-10 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-25.2-10. Penalty for failure to report - Penalty and civil liability for false reports.**

28 1. Any person required to report under subsection 1 of section 50-25.2-03 who willfully
29 fails to do so is guilty of an infraction.

30 2. Any person who willfully makes a false report, or provides false information which
31 causes the report to be made, is guilty of a class B misdemeanor unless the false

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- 1 report is made to a law enforcement official, in which case the person who causes the
2 false report to be made is guilty of a class A misdemeanor.
- 3 2.3. A person who willfully makes a false report, or provides false information that causes a
4 report to be made, is liable in a civil action for all damages suffered by the person
5 reported.