

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1396

Introduced by

Representatives Schauer, Adams, Hoverson, K. Koppelman, Mitskog, Pyle, Satrom

Senator Hogan

1 A BILL for an Act to create and enact a new subsection to section 12-67-02 of the North Dakota
2 Century Code, relating to electronic monitoring; ~~to amend and reenact section 14-09-22 of the~~
3 ~~North Dakota Century Code, relating to mandatory sentencing for abuse of a child; and to~~
4 ~~provide a penalty.~~

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

6 **SECTION 1.** A new subsection to section 12-67-02 of the North Dakota Century Code is
7 created and enacted as follows:

8 Notwithstanding any other provision of law, an offender who has pled guilty or nolo
9 contendere to, or has been found guilty of a felony under section 14-09-22, is not
10 eligible for electronic home detention or home-based global position system
11 monitoring if a minor is present in the home.

12 ~~SECTION 2. AMENDMENT. Section 14-09-22 of the North Dakota Century Code is~~
13 ~~amended and reenacted as follows:~~

14 ~~14-09-22. Abuse of child - Mandatory sentence - Penalty.~~

15 ~~1. Except as provided in subsection 2 or 3, a parent, adult family or household member,~~
16 ~~guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted~~
17 ~~upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily~~
18 ~~injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim~~
19 ~~of an offense under this section is under the age of six years in which case the offense~~
20 ~~is a class B felony. Any person who has pled guilty or nolo contendere to, or has been~~
21 ~~found guilty of an offense under this subsection, and the victim of the offense is under~~
22 ~~the age of two years, must be sentenced to a minimum of two years imprisonment.~~

23 ~~2. A person who provides care, supervision, education, or guidance for a child~~
24 ~~unaccompanied by the child's parent, adult family or household member, guardian, or~~

1 ~~custodian in exchange for money, goods, or other services and who while providing~~
2 ~~such services commits an offense under this section is guilty of a class B felony. Any~~
3 ~~such person that~~who ~~commits, allows to be committed, or conspires to commit,~~
4 ~~against the child, a sex offense as defined in chapter 12.1-20 is subject to the~~
5 ~~penalties provided in that chapter. Any person who has pled guilty or nolo contendere~~
6 ~~to, or has been found guilty of an offense under this subsection, and the victim of the~~
7 ~~offense is under the age of two years, must be sentenced to a minimum of one year~~
8 ~~imprisonment.~~

9 ~~3.~~ A person thatwho ~~commits an offense under this section is guilty of a class B felony if~~
10 ~~the victim suffers permanent loss or impairment of the function of a bodily member or~~
11 ~~organ, except if the victim of the offense is under the age of six years in which case~~
12 ~~the offense is a class A felony. Any person who has pled guilty or nolo contendere to,~~
13 ~~or has been found guilty of an offense under this subsection, and the victim of the~~
14 ~~offense is under the age of two years, must be sentenced to a minimum of three years~~
15 ~~imprisonment.~~