Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1082
(Judiciary Committee)
(At the request of the Superintendent of Public Instruction)

AN ACT to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to the prohibition on aiding and abetting sexual abuse; and to provide for a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Prohibition on aiding and abetting sexual abuse.

1. The state educational agency, or local educational agency that receives federal funds under section 8546 of the Elementary and Secondary Education Act [20 U.S.C. 7926] shall prohibit any individual who is a school employee, contractor, or agent, or any state educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, there is confirmation, or there is an investigation underway based on a claim the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.

2. Subsection 1 does not apply if:

   a. The information has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities as required by federal, state, or local law; and

   b. (1) The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

      (2) The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

      (3) The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within one year of the date on which the information was reported to a law enforcement agency.

SECTION 2. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Conviction of aiding and abetting sexual abuse - Penalty.

Any individual who is a school district employee, contractor, or agent convicted of aiding and abetting sexual abuse as described in section 1 of this Act is guilty of a class B misdemeanor.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1082.

House Vote:	Yeas 59	Nays 31	Absent 4
Senate Vote:	Yeas 28	Nays 17	Absent 2

Chief Clerk of the House

Received by the Governor at 3:27 P.M. on April 8, 2019.

Approved at 11:02 P.M. on April 11, 2019.

Governor

Filed in this office this 12th day of April, 2019,

at 10:55 o'clock A. M.

Secretary of State