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

HOUSE BILL NO. 1396
(Representatives Schauer, Adams, Hoverson, K. Koppelman, Mitskog, Pyle, Satrom)
(Senator Hogan)

AN ACT to create and enact a new subsection to section 12-67-02 of the North Dakota Century Code, relating to electronic monitoring; to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to mandatory sentencing for abuse of a child; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

1. Except as provided in subsection 2 or 3, a parent, adult family or household member, guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted upon the child mental injury or bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim of an offense under this section is under the age of six years in which case the offense is a class B felony.

2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child's parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under this section is guilty of a class B felony. Any such person ~~that~~who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.

3. A person ~~that~~who commits an offense under this section is guilty of a class B felony if the victim suffers permanent loss or impairment of the function of a bodily member or organ, except if the victim of the offense is under the age of six years in which case the offense is a class A felony.

4. A person who has pled guilty or nolo contendere to, or has been found guilty of an offense under this section must be sentenced to a minimum of one year imprisonment.

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. 1396.

House Vote:	Yeas 88	Nays 4	Absent 2
Senate Vote:	Yeas 46	Nays 1	Absent 0

Chief Clerk of the House

Received by the Governor at 8:09 PM. on April 26, 2019.

Approved at 10:49 PM. on April 30, 2019.

Governor

Filed in this office this 2nd day of May, 2019,

at 10:05 o'clock A. M.

Secretary of State