

**HOUSE BILL NO. 1304**

Introduced by

Representatives K. Koppelman, Brabandt, Klemin, Olson, Paur

Senator Armstrong

1 A BILL for an Act create and enact a new section to chapter 12.1-01, a new section to chapter  
2 14-10, and a new section to chapter 27-20 of the North Dakota Century Code, relating to the  
3 presumption of an individual's legal date of birth.

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

5 **SECTION 1.** A new section to chapter 12.1-01 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Presumption of age.**

8 1. In determining an individual's age for purposes of this title, the individual's date of birth  
9 as provided by ~~United States government or a state government in the form of a birth-~~  
10 ~~certificate, entry document, or state issued identification~~ ~~the~~ any of the following is  
11 presumed to be the individual's legal date of birth. ~~This:~~

12 a. The United States government in the form of a tribal identification document,  
13 military identification, passport, passport card, permanent resident card,  
14 certificate of United States citizenship, certificate of naturalization, border  
15 crossing card, visa, or other entry document that includes the individual's date of  
16 birth;

17 b. A state government in the form of a birth certificate or other state-issued  
18 identification that includes the individual's date of birth; or

19 c. A foreign government in the form of a passport, driver's license, or other foreign  
20 government-issued identity document that includes the individual's date of birth.

21 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to  
22 the contrary.

23 **SECTION 2.** A new section to chapter 14-10 of the North Dakota Century Code is created  
24 and enacted as follows:

1        **Presumption of age.**

2        1. In determining an individual's age for purposes of this chapter, the individual's date of  
3        birth as provided by ~~the United States government or a state government in the form~~  
4        ~~of a birth certificate, entry document, or state issued identification~~any of the following  
5        is presumed to be the individual's legal date of birth. ~~This:~~

6        a. The United States government in the form of a tribal identification document,  
7        military identification, passport, passport card, permanent resident card,  
8        certificate of United States citizenship, certificate of naturalization, border  
9        crossing card, visa, or other entry document that includes the individual's date of  
10       birth;

11       b. A state government in the form of a birth certificate or other state-issued  
12       identification that includes the individual's date of birth; or

13       c. A foreign government in the form of a passport, driver's license, or other foreign  
14       government-issued identity document that includes the individual's date of birth.

15       2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to  
16       the contrary.

17       **SECTION 3.** A new section to chapter 27-20 of the North Dakota Century Code is created  
18 and enacted as follows:

19       **Presumption of age.**

20       1. In determining an individual's age for purposes of this chapter, the individual's date of  
21       birth as provided by ~~the United States government or a state government in the form~~  
22       ~~of a birth certificate, entry document, or state issued identification~~any of the following  
23       is presumed to be the individual's legal date of birth. ~~This:~~

24       a. The United States government in the form of a tribal identification document,  
25       military identification, passport, passport card, permanent resident card,  
26       certificate of United States citizenship, certificate of naturalization, border  
27       crossing card, visa, or other entry document that includes the individual's date of  
28       birth;

29       b. A state government in the form of a birth certificate or other state-issued  
30       identification that includes the individual's date of birth; or

- 1 c. A foreign government in the form of a passport, driver's license, or other foreign  
2 government-issued identity document that includes the individual's date of birth.  
3 2. The presumption in subsection 1 may be rebutted by clear and convincing evidence to  
4 the contrary.