

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED 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 the any of the following is presumed to be the individual's legal date of
10 birth:

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

18 b. ~~A state government in the form of a birth certificate or other state-issued~~
19 ~~identification that includes the individual's date of birth~~The United States
20 government in the form of a tribal identification document, military identification,
21 passport, passport card, permanent resident card, certificate of United States
22 citizenship, certificate of naturalization, border crossing card, visa, or other entry
23 document 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. If
3 there is a conflict between government issued forms, a government issued birth
4 certificate or a certified copy of a birth certificate takes precedence.

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

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

9 **Presumption of age.**

10 1. In determining an individual's age for purposes of this chapter, the individual's date of
11 birth as provided by any of the following is presumed to be the individual's legal date
12 of birth:

13 a. ~~The United States government in the form of a tribal identification document,~~
14 ~~military identification, passport, passport card, permanent resident card,~~
15 ~~certificate of United States citizenship, certificate of naturalization, border~~
16 ~~crossing card, visa, or other entry document that includes the individual's date of~~
17 ~~birth~~A state government in the form of a birth certificate, other state-issued
18 identification, or a certified copy of a birth certificate that includes the individual's
19 date of birth;

20 b. ~~A state government in the form of a birth certificate or other state-issued~~
21 ~~identification that includes the individual's date of birth~~The United States
22 government in the form of a tribal identification document, military identification,
23 passport, passport card, permanent resident card, certificate of United States
24 citizenship, certificate of naturalization, border crossing card, visa, or other entry
25 document that includes the individual's date of birth; or

26 c. A foreign government in the form of a passport, driver's license, or other foreign
27 government-issued identity document that includes the individual's date of birth. If
28 there is a conflict between government issued forms, a government issued birth
29 certificate or a certified copy of a birth certificate takes precedence.

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

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

3 **Presumption of age.**

4 1. In determining an individual's age for purposes of this chapter, the individual's date of
5 birth as provided by any of the following is presumed to be the individual's legal date
6 of birth:

7 a. ~~The United States government in the form of a tribal identification document,~~
8 ~~military identification, passport, passport card, permanent resident card,~~
9 ~~certificate of United States citizenship, certificate of naturalization, border~~
10 ~~crossing card, visa, or other entry document that includes the individual's date of~~
11 ~~birth~~A state government in the form of a birth certificate, other state-issued
12 identification, or a certified copy of a birth certificate that includes the individual's
13 date of birth;

14 b. ~~A state government in the form of a birth certificate or other state-issued~~
15 ~~identification that includes the individual's date of birth~~The United States
16 government in the form of a tribal identification document, military identification,
17 passport, passport card, permanent resident card, certificate of United States
18 citizenship, certificate of naturalization, border crossing card, visa, or other entry
19 document that includes the individual's date of birth; or

20 c. A foreign government in the form of a passport, driver's license, or other foreign
21 government-issued identity document that includes the individual's date of birth. *If*
22 there is a conflict between government issued forms, a government issued birth
23 certificate or a certified copy of a birth certificate takes precedence.

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