

CHAPTER 10-13-14 DEFINITIONS

Section

10-13-14-01 Definitions

10-13-14-01. Definitions.

As used in this article, unless the context otherwise requires:

1. "Agency" means a criminal justice agency in the state of North Dakota as defined in North Dakota Century Code subsection 6 of section 12-60-16.1. For purposes of these rules, an agency includes a North Dakota state or municipal court.
2. "Biometric data" includes fingerprints, palm prints, voice prints, retinal or iris images, facial recognition, and DNA profiles.
3. "Bureau" means the North Dakota attorney general's bureau of criminal investigation.
4. "Challenge" means to formally, in writing, call into question the completeness, contents, accuracy, dissemination, or denial of access to a criminal history record.
5. "Collect" means to solicit and receive information pertaining to reportable events.
6. "Court" means the North Dakota supreme court, a North Dakota district court, or a municipal court of the state of North Dakota.
7. "Exchange" means to disclose criminal history record information, by any means, to another criminal justice agency or to a court.
8. "Maintain" means to file or store criminal history record information and to combine information on related reportable events for identified record subjects.
9. "NCIC" means the federal bureau of investigation, national crime information center.
10. "Originating agency" means the criminal justice agency that recorded and reported a reportable event.
11. "ORI" means the originating agency identifier assigned by the federal bureau of investigation.
12. "Personal identifiers" means an individual's name, social security number, other number, or descriptive information that is sufficiently unique to identify one individual.
13. "Prosecuting attorney" includes state's attorneys, assistant state's attorneys, city attorneys, assistant city attorneys, and assistant attorney generals who prosecute individuals charged with offenses.
14. "Purge" means destroying, blotting out, striking out, expunging, or effacing a record so that no trace of the individual identification remains.
15. "Rap back" means the retention of fingerprints submitted for noncriminal purposes under North Dakota Century Code section 12-60-24 and used for the purpose of authorized notification regarding the contributor of a future reportable event, including latent fingerprint search comparison.
16. "Record subject" means the individual who is the primary subject of a criminal history record, and includes any authorized or lawful representative of the individual.

17. "Report" means to submit information to the bureau pertaining to reportable events.
18. "Reportable event" includes information a criminal justice agency is required to submit to the bureau for a reportable offense under North Dakota Century Code section 12-60-16.4 and includes arrest information, all charges filed, or not filed or not referred for prosecution if a report of an arrest was submitted to the bureau, all dispositions of criminal cases, correctional supervision, judgments amending, modifying, terminating, or revoking a sentence to probation and any resentencing after revocation, and information concerning the receipt, escape, death, release, transfer to another institution, pardon, conditional pardon, reprieve, parole, commutation of sentence, or discharge of an individual sentenced to custody for a reportable offense.
19. "Reviewing agency" means the criminal justice agency at which a record subject has appeared to request an inspection of the record subject's criminal history record.
20. "Sealed record" means a record that has been retained, but is inaccessible under state or federal law or pursuant to a valid state or federal court order. Access to a sealed record may only be allowed in accordance with section 10-13-11-03.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3, 12-60-16.4