

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2030

Introduced by

Legislative Council

(Criminal Justice Committee)

(Senators W. Stenehjem, Nalewaja)

(Representatives R. Kelsch, Brown, Mahoney, Bernstein)

- 1 A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota
2 Century Code, relating to data collection on certain juvenile offenders.

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

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

6 **Law enforcement data base.**

- 7 1. If a court adjudicates that a child has committed a delinquent act that, if committed
8 by an adult, is defined as a sexual assault under section 12.1-20-07 or as a felony
9 in section 12.1-16-01, 12.1-18-01, 12.1-18-02, 12.1-20-03, or 12.1-20-04 or
10 chapter 12.1-17, 12.1-27.2, or 12.1-29, the court shall send written notice of the
11 adjudication to the attorney general. The notice must be sent within twenty days of
12 the adjudication. The notice must contain the child's name, the child's date of
13 birth, the child's social security number, the child's address, the name and location
14 of the child's school, the names and addresses of the child's parents or guardians,
15 and a copy of the adjudication order. Based on any previous informal adjustment,
16 risk assessment, or other consideration, the court shall include with the notice a
17 recommendation to the attorney general as to whether it is relevant and necessary
18 for the child's school to be notified by the attorney general following a first
19 adjudication for one of the above offenses. The court shall send the original
20 disposition order and any modification to its conditions to the attorney general.
21 The court shall send this information within twenty days of the disposition or
22 modification.
- 23 2. Notwithstanding any other provision of law, the attorney general shall release
24 adjudication information on file to law enforcement officers for law enforcement

1 purposes; to the department of human services for licensing purposes; and when
2 relevant and necessary, to the child's school principal, chief administrative officer,
3 teachers, or designated school guidance counselor for the purpose of maintaining
4 that child's and other children's safety during school activities. The adjudication
5 information released to school personnel under this subsection must be placed in
6 the child's education records and is confidential. A law enforcement agency shall
7 disclose to the public relevant and necessary adjudication information released by
8 the attorney general if the agency determines that an individual adjudicated of a
9 second delinquent act under subsection 1 is a public risk and disclosure of the
10 adjudication information is necessary for public protection.

11 3. A law enforcement agency or school district, its officials, and its employees are not
12 subject to civil or criminal liability for disclosing or failing to disclose information as
13 permitted by this section.