

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; and to provide a penalty.

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 is a  
9 violation of section 12.1-16-01, 12.1-18-01, 12.1-18-02, 12.1-20-03, or 12.1-20-04  
10 or chapter 12.1-17, 12.1-27.2, or 12.1-29, the court shall send written notice of the  
11 disposition to the attorney general. The notice must be sent within twenty days of  
12 the disposition. The notice must contain the child's name, the child's date of birth,  
13 the child's social security number, the child's address, the name and location of the  
14 child's school, the names and addresses of the child's parents or guardians, and a  
15 copy of the disposition order. The court shall send a copy of any modification to  
16 the order to the attorney general within twenty days of the disposition or  
17 modification.
- 18 2. If a person who is listed on the data base has a change in name or address, that  
19 person shall inform the attorney general in writing, within ten days, of the person's  
20 new name or address and shall otherwise comply with address verification  
21 procedures as required by the attorney general. The person shall comply with this  
22 requirement for ten years after the date of the disposition, or until destruction of the  
23 records is ordered by the court, whichever date is earlier. A person listed on the  
24 data base who violates this section is guilty of a class A misdemeanor.

- 1           3.   Notwithstanding any other provision of law, the attorney general shall release  
2           disposition information on file to law enforcement officers for law enforcement  
3           purposes and to the department of human services for licensing purposes. The  
4           court shall notify the superintendent of the school district and the principal of the  
5           school the child attends of the disposition. The school administration shall notify  
6           the child's teachers and guidance counselor of this information and shall notify  
7           others in similar positions if the child transfers to another learning institution in or  
8           outside the state. A law enforcement agency shall disclose to the public relevant  
9           and necessary disposition information released by the attorney general if the  
10          agency determines that an individual adjudicated of a second delinquent act under  
11          subsection 1 is a public risk and disclosure of the disposition information is  
12          necessary for public protection.
- 13          4.   A law enforcement agency, its officials, and its employees are not subject to civil or  
14          criminal liability for disclosing or failing to disclose information as permitted by this  
15          section.