

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2030
(Legislative Council)
(Criminal Justice Committee)
(Senators W. Stenehjem, Nalewaja)
(Representatives R. Kelsch, Brown, Mahoney, Bernstein)

AN ACT to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to data collection on certain juvenile offenders; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Law enforcement data base.

1. If a court adjudicates that a child has committed a delinquent act that, if committed by an adult, is defined as a sexual assault under section 12.1-20-07 or is a violation of section 12.1-16-01, 12.1-18-01, 12.1-18-02, 12.1-20-03, or 12.1-20-04 or chapter 12.1-17, 12.1-27.2, or 12.1-29, the court shall send written notice of the disposition to the attorney general. The notice must be sent within twenty days of the disposition. The notice must contain the child's name, the child's date of birth, the child's social security number, the child's address, the name and location of the child's school, the names and addresses of the child's parents or guardians, and a copy of the disposition order. The court shall send a copy of any modification to the order to the attorney general within twenty days of the disposition or modification.
2. If a person who is listed on the data base has a change in name or address, that person shall inform the attorney general in writing, within ten days, of the person's new name or address and shall otherwise comply with address verification procedures as required by the attorney general. The person shall comply with this requirement for ten years after the date of the disposition, or until destruction of the records is ordered by the court, whichever date is earlier. A person listed on the data base who violates this section is guilty of a class A misdemeanor.
3. Notwithstanding any other provision of law, the attorney general shall release disposition information on file to law enforcement officers for law enforcement purposes and to the department of human services for licensing purposes. The court shall notify the superintendent of the school district and the principal of the school the child attends of the disposition. The school administration shall notify the child's teachers and guidance counselor of this information and shall notify others in similar positions if the child transfers to another learning institution in or outside the state. A law enforcement agency shall disclose to the public relevant and necessary disposition information released by the attorney general if the agency determines that an individual adjudicated of a second delinquent act under subsection 1 is a public risk and disclosure of the disposition information is necessary for public protection.
4. A law enforcement agency or school district, its officials, and its employees are not subject to civil or criminal liability for disclosing or failing to disclose information as permitted by this section.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2030.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 90 Nays 0 Absent 7

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State