

Introduced by

Representatives N. Johnson, Porter, Svedjan

Senators Lee, T. Mathern

1 A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code,
2 relating to the duty to report injuries.

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

4 **SECTION 1. AMENDMENT.** Section 43-17-41 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-17-41. Duty of physicians and others to report injury - Penalty.**

7 1. Any physician, physician assistant, or ~~other medical or mental health professional,~~
8 any individual licensed under chapter 43-12.1 who ~~has under his charge or care or~~
9 performs any ~~professional services~~ diagnosis or treatment for any ~~person~~
10 individual suffering from any wound, injury, or other physical trauma ~~inflicted;~~

11 a. Inflicted by his the individual's own act or by the act of another by means of a
12 knife, gun, or pistol; shall as soon as practicable report the wound, injury, or
13 trauma to a law enforcement agency in the county in which the care was
14 rendered; or which he

15 b. Which the individual performing diagnosis or treatment has reasonable cause
16 to suspect was inflicted in violation of any criminal law of this state, shall as
17 soon as practicable report the ~~same~~ wound, injury, or trauma to the sheriff or
18 state's attorney of a law enforcement agency in the county in which such the
19 care was rendered.

20 2. The report under subsection 1 must state the name of the injured ~~person, if known,~~
21 ~~his whereabouts,~~ individual and the character and extent of ~~his the individual's~~
22 injuries.

23 ~~2.~~ 3. When a report of domestic violence, as defined in section 14-07.1-01, or a report
24 of physical injury resulting from a sexual offense as defined in chapter 12.1-20 is

1 made to a law enforcement agency as required by this section, the injured
2 individual must be provided with information regarding a domestic violence sexual
3 assault organization as defined in section 14-07.1-01 or other victims' assistance
4 program by the physician, physician assistant, or any individual licensed under
5 chapter 43-12.1, unless it is known that the information has previously been
6 provided to the injured individual.

7 4. The reports mandated by this section must be made as soon as practicable and
8 may be either oral or in writing. Oral reports must be followed by written reports
9 within forty-eight hours if so requested by the sheriff or state's attorney to whom
10 the oral report is originally made.

11 3- 5. Any ~~person~~ individual required to report as provided by this section who willfully
12 fails to do so is guilty of an infraction.

13 4- 6. Any ~~person~~ individual making or not making a report in good faith pursuant to this
14 section is immune from liability for making ~~said~~ or not making a report.