

Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001

HOUSE BILL NO. 1462
(Representatives N. Johnson, Porter, Svedjan)
(Senators Lee, T. Mathern)

AN ACT to amend and reenact section 43-17-41 of the North Dakota Century Code, relating to the duty to report injuries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. Any physician, physician assistant, or other medical or mental health professional, any individual licensed under chapter 43-12.1 who has under his charge or care or performs any professional services diagnosis or treatment for any person individual suffering from any wound, injury, or other physical trauma inflicted:
 - a. Inflicted by his the individual's own act or by the act of another by means of a knife, gun, or pistol; shall as soon as practicable report the wound, injury, or trauma to a law enforcement agency in the county in which the care was rendered; or which he
 - b. Which the individual performing diagnosis or treatment has reasonable cause to suspect was inflicted in violation of any criminal law of this state, shall as soon as practicable report the same wound, injury, or trauma to the sheriff or state's attorney of a law enforcement agency in the county in which such the care was rendered.
2. ~~1.~~ 2. The report under subsection 1 must state the name of the injured person, if known, his whereabouts, individual and the character and extent of his the individual's injuries.
3. ~~2.~~ 3. When a report of domestic violence, as defined in section 14-07.1-01, or a report of physical injury resulting from a sexual offense as defined in chapter 12.1-20 is made to a law enforcement agency as required by this section, the injured individual must be provided with information regarding a domestic violence sexual assault organization as defined in section 14-07.1-01 or other victims' assistance program by the physician, physician assistant, or any individual licensed under chapter 43-12.1, unless it is known that the information has previously been provided to the injured individual.
4. ~~3.~~ 4. The reports mandated by this section must be made as soon as practicable and may be either oral or in writing. Oral reports must be followed by written reports within forty-eight hours if so requested by the sheriff or state's attorney to whom the oral report is originally made.
5. ~~4.~~ 5. Any person individual required to report as provided by this section who willfully fails to do so is guilty of an infraction.
6. ~~5.~~ 6. Any person individual making or not making a report in good faith pursuant to this section is immune from liability for making said or not making a report.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1462.

House Vote: Yeas 87 Nays 7 Absent 4

Senate Vote: Yeas 41 Nays 7 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State