

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2105

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota  
2 Century Code, relating to the files and records of the division of juvenile services; and to amend  
3 and reenact section 27-20-51.1 of the North Dakota Century Code, relating to disclosure of  
4 information needed to apprehend juveniles.

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

6 **SECTION 1. AMENDMENT.** Section 27-20-51.1 of the 1999 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **27-20-51.1. Disclosure of information needed to apprehend juvenile.**

9 Notwithstanding any other provision of law, the name, photographs, fingerprints, or other  
10 identifying information of a juvenile who is alleged to have committed a delinquent act involving  
11 actual or threat of serious bodily injury that would constitute a felony if committed by an adult or  
12 who has escaped or left without authorization from a secure facility may be released by law  
13 enforcement, the division of juvenile services, or the juvenile court for purposes of  
14 apprehending the juvenile.

15 **SECTION 2.** A new section to chapter 27-21 of the North Dakota Century Code is  
16 created and enacted as follows:

17 **Division of juvenile services files and records confidentiality.**

- 18 1. The files and records of the division of juvenile services relating to a juvenile  
19 committed to the division may not be disclosed directly or indirectly to any person,  
20 organization, or agency, except as provided in this section.  
21 2. Notwithstanding any other provisions of law relating to confidentiality, except for  
22 the confidentiality requirements of federal drug and alcohol treatment and  
23 rehabilitation laws, the division may disclose all or part of a juvenile's files and  
24 records, including juvenile court orders, medical, psychological, education, and

1           treatment and counseling records, to individuals employed by the following if the  
2           knowledge is reasonably necessary in the best interest of the juvenile and for the  
3           protection of others:

4           a.   The district court or juvenile court.

5           b.   A parent or legal guardian of the juvenile, or their counsel, or the juvenile's  
6           counsel, when the juvenile court has committed the juvenile to the custody of  
7           the division of juvenile services, and the records are relevant to a proceeding  
8           under this chapter or to a placement hearing under section 27-21-02.1, or  
9           when disclosure is necessary for the juvenile's treatment and rehabilitation  
10          plan. If the juvenile court determines that it is against the best interests of the  
11          juvenile to disclose records to a parent or legal guardian, the juvenile court  
12          may issue an order prohibiting disclosure and describing the records that may  
13          not be disclosed.

14          c.   An employee or agent of any division of the department of corrections and  
15          rehabilitation when necessary to carry out the duties of the department.

16          d.   The department of human services or a county social service agency.

17          e.   A licensed hospital or medical facility, a public or private treatment facility, or  
18          a residential care or treatment facility, when necessary for the evaluation,  
19          treatment, or care of a juvenile in the custody of the division of juvenile  
20          services.

21          f.   A law enforcement agency when the division has reasonable grounds to  
22          believe the juvenile has committed a delinquent act or has threatened to  
23          commit a delinquent act involving serious bodily injury, or when the juvenile is  
24          required to register, or is registered, under section 12.1-32-15.

25          g.   A school district or multidistrict special education program in which the  
26          juvenile is enrolled.

27          h.   The office of the attorney general.

28          i.   The risk management division of the office of management and budget, and  
29          investigators, consultants, or experts retained by the state for the purpose of  
30          investigating and defending claims under chapter 32-12.2.

- 1           3. A person, agency, or institution receiving information or records under this  
2           subsection may not redisclose the information or records and shall maintain the  
3           confidentiality of the information or records.
- 4           4. The division may disclose nonidentifying information for research and statistical  
5           purposes.
- 6           5. The division may disclose the files and records of a juvenile under subdivision f or  
7           g of subsection 1 of section 27-20-51.
- 8           6. The division shall disclose information to the extent necessary to comply with  
9           section 12.1-34-02.
- 10          7. In all other cases, records and files of the division of juvenile services relating to a  
11          juvenile committed to its custody may only be open to inspection upon written  
12          leave of the juvenile court upon a showing in writing of a legitimate interest, but  
13          only to the extent necessary to respond to the legitimate interest.