

HOUSE BILL NO. 1090

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact subsection 1 of section 27-20-51 and section 27-20-52
2 of the North Dakota Century Code, relating to juvenile records.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 27-20-51 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. Except as provided in this section, all files and records of the juvenile court,
7 whether in the office of the clerk of district court or juvenile court, of a proceeding
8 under this chapter are closed to the public. Juvenile court files and records are
9 open to inspection only by:
- 10 a. The judge and staff of the juvenile court.
- 11 b. The parties to the proceeding or their counsel or the guardian ad litem of any
12 party.
- 13 c. A public or private agency or institution providing supervision or having
14 custody of the child under order of the juvenile court, which must be given a
15 copy of the findings and order of disposition when it receives custody of the
16 child. An employee or agent of the division of juvenile services or a county
17 social service board may inspect juvenile court files and records and be
18 present in a juvenile court proceeding prior to the juvenile court issuing an
19 order for supervision or custody of a juvenile.
- 20 d. Any court and its probation and other officials or professional staff and the
21 attorney for the defendant for use in preparing a presentence report in a
22 criminal case in which the defendant is convicted and who, prior to the
23 criminal case, had been a party to the proceeding in juvenile court.

- e. The professional staff of the uniform crime victims compensation program when necessary for the discharge of their duties pursuant to chapter 54-23.4.
- f. A staff member of the division of children and family services of the department of human services or a law enforcement officer when necessary for the performance of that person's duties under section 50-11.1-06.2 or the National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
- g. An employee or agent of the department of human services when necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.

SECTION 2. AMENDMENT. Section 27-20-52 of the North Dakota Century Code is amended and reenacted as follows:

27-20-52. Law enforcement and correctional facility records. Law enforcement and correctional facility records and files of a child alleged or found to be delinquent, unruly, or deprived must be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 27-20-34, the interest of national security requires, or the court otherwise orders in the interest of the child, these records and files may not be open to public inspection; but inspection of these records and files is permitted by:

1. A juvenile court having the child before it in any proceeding;
2. Counsel for a party to the proceeding;
3. The officers of public institutions or agencies to whom the child is or may be committed;
4. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties;
5. A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of ~~penal institutions and other penal~~ correctional facilities to which the child is detained or committed, or by the parole board, the governor, or the pardon advisory board, if

- 1 one has been appointed, in considering the child's parole or discharge or in
- 2 exercising supervision over the child;
- 3 6. The professional staff of the uniform crime victims compensation program when
- 4 necessary for the discharge of their duties pursuant to chapter 54-23.4; and
- 5 7. A superintendent or principal of the school in which the child is currently enrolled or
- 6 of a school in which the child wishes to enroll.
- 7 Notwithstanding that law enforcement records and files of a child alleged or found to be
- 8 delinquent, unruly, or deprived are not open to public inspection, nothing in this section may be
- 9 construed to limit the release of general information not identifying the identity of the child.