

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to provide for a criminal justice information sharing board; and to amend and
2 reenact sections 12-60-16.2 and 12-60-16.9 of the North Dakota Century Code, relating to the
3 collection of criminal information and fees for criminal history record checks.

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

5 **SECTION 1. Criminal justice information sharing board - Membership - Duties**
6 **and powers.** The criminal justice information sharing board consists of the chief justice of the
7 supreme court or the chief justice's designee, the attorney general or the attorney general's
8 designee, and the chief information officer of the state. The chief information officer is
9 chairman of the board. The information technology department shall provide staff support to
10 the board. The board shall set policy relating to the collection, storage, and sharing of criminal
11 justice information and the systems necessary to perform those functions. The board shall
12 provide operational oversight for criminal justice information sharing activities and shall approve
13 and provide oversight of criminal justice information sharing budgets. The board may appoint
14 an executive committee and an advisory committee that would serve in an advisory capacity to
15 the board.

16 **SECTION 2. AMENDMENT.** Section 12-60-16.2 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **12-60-16.2. Criminal history record information - Reportable events.** Except as
19 otherwise provided in sections 12-60-16.1 through 12-60-16.10, each criminal justice agency
20 shall report to the bureau the information described in this section for each felony and
21 reportable offense so designated pursuant to section 12-60-16.4. The bureau may require the
22 criminal justice agency to provide the information in a manner that the bureau determines to be
23 the most efficient or accurate means of collection. The following criminal justice agencies shall
24 perform the duties indicated:

- 1 1. Except as otherwise provided in this subsection, each criminal justice agency that
2 makes an arrest for a reportable offense shall, with respect to that offense and the
3 person arrested, furnish to the bureau the fingerprints, charges, and descriptions of
4 the person arrested. If the arrest is made by a criminal justice agency that is a
5 state law enforcement agency, then, on request of the arresting agency, a sheriff
6 or jail administrator shall take the fingerprints. The arresting agency shall then
7 furnish the required information to the bureau. If a decision is made not to refer
8 the arrest for prosecution, the criminal justice agency making that decision shall
9 report the decision to the bureau. A criminal justice agency may make agreements
10 with other criminal justice agencies for the purpose of furnishing to the bureau
11 information required under this subsection.
- 12 2. The prosecuting attorney shall notify the bureau of all charges filed, including all
13 those added after the filing of a criminal court case, and whether charges were not
14 filed in criminal cases for which the bureau has a record of an arrest.
- 15 3. After the court pronounces sentence for a reportable offense, and if the person
16 being sentenced has not been fingerprinted with respect to that case, the
17 prosecuting attorney shall ask the court to order a law enforcement agency to
18 fingerprint that person. If the court determines that the person being so sentenced
19 has not previously been fingerprinted for the same case, the court shall order the
20 fingerprints taken. The law enforcement agency shall forward the fingerprints to
21 the bureau.
- 22 4. The prosecuting attorney having jurisdiction over a reportable offense shall furnish
23 the bureau all final dispositions of criminal cases for which the bureau has a record
24 of an arrest or a record of fingerprints reported under subsection 3. For each
25 charge, this information must include at least the following:
 - 26 a. Judgments of not guilty, judgments of guilty including the sentence
27 pronounced by the court, discharges, and dismissals in the trial court;
 - 28 b. Reviewing court orders filed with the clerk of the court which reverse or
29 remand a reported conviction or which vacate or modify a sentence; and
 - 30 c. Judgments terminating or revoking a sentence to probation and any
31 resentencing after such a revocation.

1 5. The North Dakota state penitentiary, pardon clerk, parole board, and local
2 correctional facility administrators shall furnish the bureau with all information
3 concerning the receipt, escape, death, release, pardon, conditional pardon,
4 reprieve, parole, commutation of sentence, or discharge of an individual who has
5 been sentenced to that agency's custody for any reportable offense which is
6 required to be collected, maintained, or disseminated by the bureau. In the case of
7 an escape from custody or death while in custody, information concerning the
8 receipt and escape or death must also be furnished.

9 **SECTION 3. AMENDMENT.** Section 12-60-16.9 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-60-16.9. Criminal history record information - Fee for record check.** The
12 bureau shall impose a fee of ~~twenty~~ thirty dollars for each record check. The bureau shall
13 waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for
14 each record check for a nonprofit organization that is organized and operated in this state
15 exclusively for charitable purposes for the exclusive benefit of minors.