

HOUSE BILL NO. 1219

Introduced by

Representatives Delmore, Dahl, DeKrey, Kretschmar

Senators Lyson, Nelson

1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to establishment and administration of a statewide automated victim
3 information and notification system.

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

5 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Department of corrections and rehabilitation - Statewide automated victim**
8 **information and notification system.**

9 1. The department of corrections and rehabilitation shall establish and administer a
10 statewide automated victim information and notification system that must:

11 a. Permit a victim to register or update the victim's registration information for the
12 system by calling a toll-free telephone number or accessing a public web site.

13 b. Automatically notify a registered victim through the victim's choice of
14 telephone, mail, or e-mail when any of the following events affect an offender
15 under the supervision or in the custody of the department of corrections and
16 rehabilitation or other correctional facility in the state:

17 (1) The offender is transferred or assigned to another facility.

18 (2) The offender is transferred to the custody of another agency outside the
19 state.

20 (3) The offender is given a different security classification.

21 (4) The offender is released on temporary leave or otherwise.

22 (5) The offender is discharged.

23 (6) The offender has escaped.

(7) The offender has been served with a protective order that was requested by the victim.

c. Automatically notify a registered victim through the victim's choice of telephone, mail, or e-mail when the offender has a scheduled court proceeding at which the victim is entitled to be present, a scheduled parole or pardon hearing, or a change in the status of the offender's parole or probation status, including a change in the offender's address.

d. Automatically notify a registered victim through the victim's choice of telephone, mail, or e-mail when a registered sexual offender has updated the offender's registration information or failed to comply with any registration requirement.

e. Permit a victim to receive the most recent status report for an offender under the supervision or in the custody of the department of corrections and rehabilitation or other correctional facility or for a registered sexual offender by calling the system on a toll-free telephone number or by accessing the system through a public web site.

f. Allow a victim calling the system the option to have a live operator to assist in the use of the system on a twenty-four hour per day basis.

2. The provision of offender and case data on a timely basis to the automated victim information and notification system satisfies any obligation under this chapter to notify a registered victim of an offender's custody and the status of the offender's scheduled court proceedings.

3. The department of corrections and rehabilitation shall ensure that an offender's information contained in the statewide automated victim information and notification system is updated to timely notify a victim that an offender has been released or discharged or has escaped. The failure of the system to provide notice to the victim does not establish a cause of action by the victim against the state or any custodial authority.

4. Custodial authorities shall cooperate with the department of corrections and rehabilitation in establishing and maintaining the statewide automated victim information and notification system.