

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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; and to provide for a legislative council study.

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 **Statewide automated victim information and notification system.**

8 1. The information technology department may establish a statewide automated
9 victim information and notification system that may be administered by the
10 department of corrections and rehabilitation and must:

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

14 b. Notify a registered victim by telephone, mail, or e-mail when any of the
15 following events affect an offender under the supervision or in the custody of
16 the department of corrections and rehabilitation or other correctional facility in
17 the state:

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

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

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

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

23 (5) The offender is discharged.

24 (6) The offender has escaped.

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

- c. Notify a registered victim by 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. Notify a registered victim by 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 a 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.

2. If a statewide automated victim information and notification system is established, 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. If a statewide automated victim information and notification system is established, the system operator shall ensure that an offender's information contained in the 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 system operator in establishing and maintaining the statewide automated victim information and notification system.

SECTION 2. LEGISLATIVE COUNCIL STUDY - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM. The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of establishing a statewide

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- 1 automated victim information and notification system to provide information and notify
- 2 registered victims regarding the status of an offender. The legislative council shall report its
- 3 findings and recommendations, together with any legislation required to implement the
- 4 recommendations, to the sixty-first legislative assembly.