

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1147
(Representatives Soukup, Kretschmar, Monson)
(Senators Mathern, Nalewaja, Robinson)

AN ACT to create and enact a new section to chapter 15-47 and a new section to chapter 27-20 of the North Dakota Century Code, relating to school personnel notification of juvenile offenses; and to amend and reenact subsection 4 of section 27-20-51 of the North Dakota Century Code, relating to school personnel receipt of juvenile orders of disposition.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Juvenile offenses - Notification of school officials.

1. A law enforcement officer shall notify a juvenile's principal and school administrator upon filing a petition with the juvenile court alleging that the juvenile committed:
 - a. An offense against a person which would constitute a felony were it committed by an adult;
 - b. An offense involving the use, possession, purchase, or trafficking of marijuana, narcotic drugs, or other controlled substances; or
 - c. An offense involving the use or possession of a dangerous weapon.
2. A juvenile's principal or school administrator may share any information received under this section and section 27-20-51 with the juvenile's teachers if the principal or administrator deems it necessary to ensure the safety or well-being of the juvenile or other persons attending, employed by, or otherwise involved with the juvenile's school or school district. Any information shared under this section or subsection 4 of section 27-20-51 must be treated as confidential information. The superintendent of public instruction shall provide forms and adopt rules under chapter 28-32 for the sharing of information under this section.

SECTION 2. AMENDMENT. Subsection 4 of section 27-20-51 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. ~~Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, Unless otherwise ordered by a court, the juvenile court shall forward the order of disposition to the juvenile's school principal; or chief administrative officer; or designated school guidance counselor, if requested, must be allowed access to the disposition order if:~~
 - a. The juvenile court deems it necessary to ensure the safety or well-being of the juvenile or other persons attending, employed by, or otherwise involved with the juvenile's school or school district; and
 - b. (1) The offense would constitute a felony were it committed by an adult;
(2) The offense was committed on school property;
(3) The offense involved a crime against a person;

- (4) The offense was related to the use, possession, purchase, or trafficking of marijuana, narcotic drugs, or other controlled substances;
- (5) The offense involved the use or possession of a dangerous weapon; or
- (6) School attendance is a condition of probation or parole.

SECTION 3. A new section to chapter 27-20 of the North Dakota Century Code is created and enacted as follows:

Notification of school officials. If a juvenile is alleged to have committed an offense specified in subsection 1 of section 1 of this Act, and the court determines the juvenile did not commit the offense, the court shall notify the juvenile's principal and school administrator of that determination.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1147.

House Vote: Yeas 94 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State

Date of Action: April 3, 1997

Honorable Alvin A. Jaeger
Secretary of State
Bismarck, North Dakota

I certify that this Act, House Bill No. 1147, together with the objections of Governor Edward T. Schafer, was returned to the House, being the body in which it originated, on April 3, 1997, at 9:15 a.m.; that the objections of the Governor were read at length and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed; and that the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	81
	Nays	13
	Absent and not voting	3

Speaker of the House

Chief Clerk of the House

Date of Action: April 9, 1997

Honorable Alvin A. Jaeger
Secretary of State
Bismarck, North Dakota

I certify that this Act, House Bill No. 1147, together with the objections of Governor Edward T. Schafer, was received from the House, being the body in which it originated; that the objections of the Governor were read at length; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 9, 1997; and that the roll was called and the Bill failed to pass, with less than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	29
	Nays	18
	Absent and not voting	2

President of the Senate

Secretary of the Senate