

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 **Criminal justice information sharing board - Statewide automated victim**  
8 **information and notification system.**

- 9 1. The criminal justice information sharing board may establish and administer a  
10 statewide automated victim information and notification system that may:
- 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.

- 1                   (7) The offender has been served with a protective order that was  
2                   requested by the victim.
- 3                   c. Notify a registered victim by telephone, mail, or e-mail when the offender has  
4                   a scheduled court proceeding at which the victim is entitled to be present, a  
5                   scheduled parole or pardon hearing, or a change in the status of the  
6                   offender's parole or probation status, including a change in the offender's  
7                   address.
- 8                   d. Notify a registered victim by telephone, mail, or e-mail when a registered  
9                   sexual offender has updated the offender's registration information or failed to  
10                   comply with any registration requirement.
- 11                   e. Permit a victim to receive a status report for an offender under the supervision  
12                   or in the custody of the department of corrections and rehabilitation or other  
13                   correctional facility or for a registered sexual offender by calling the system on  
14                   a toll-free telephone number or by accessing the system through a public web  
15                   site.
- 16                   2. If a statewide automated victim information and notification system is established,  
17                   the provision of offender and case data on a timely basis to the automated victim  
18                   information and notification system may satisfy any obligation under this chapter to  
19                   notify a registered victim of an offender's custody and the status of the offender's  
20                   scheduled court proceedings.
- 21                   3. If a statewide automated victim information and notification system is established,  
22                   the criminal justice information sharing board shall ensure that an offender's  
23                   information contained in the statewide automated victim information and  
24                   notification system is updated to timely notify a victim that an offender has been  
25                   released or discharged or has escaped. The failure of the system to provide notice  
26                   to the victim does not establish a cause of action by the victim against the state or  
27                   any custodial authority.
- 28                   4. Upon the request of the criminal justice information sharing board, custodial  
29                   authorities shall cooperate with the board in establishing and maintaining the  
30                   statewide automated victim information and notification system.

1           **SECTION 2. LEGISLATIVE COUNCIL STUDY - STATEWIDE AUTOMATED VICTIM**  
2 **INFORMATION AND NOTIFICATION SYSTEM.** The legislative council shall consider  
3 studying, during the 2007-08 interim, the feasibility and desirability of establishing a statewide  
4 automated victim information and notification system to provide information and notify  
5 registered victims regarding the status of an offender. The legislative council shall report its  
6 findings and recommendations, together with any legislation required to implement the  
7 recommendations, to the sixty-first legislative assembly.