

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1159

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 27-20-54 of the North Dakota Century Code,
2 relating to the destruction of juvenile court records.

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

4 **SECTION 1. AMENDMENT.** Section 27-20-54 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-20-54. Destruction of juvenile court records.**

- 7 1. Except as otherwise required under section 25-03.3-04, all juvenile court records
8 must be retained and disposed of pursuant to rules and policies established by the
9 North Dakota supreme court.
- 10 2. Upon the final destruction of a file or record, the proceeding must be treated as if it
11 never occurred. The juvenile court shall notify each agency named in the file or
12 record of the destruction. All index references, except those which may be made
13 by the ~~director~~ attorney general and the directors of the department of
14 transportation, the department of human services, the department of corrections
15 and rehabilitation, and county social service agencies, must be deleted. Each
16 agency, except the ~~director~~ attorney general and the directors of the department of
17 transportation, the department of human services, the department of corrections
18 and rehabilitation, and county social service agencies, upon notification of the
19 destruction of a file or record, shall destroy all files, records, and references to the
20 child's apprehension, detention, and referral to the juvenile court and any record of
21 disposition made by the juvenile court. The attorney general, the department of
22 human services, the department of corrections and rehabilitation, and county
23 social service agencies may not keep a juvenile file or record longer than is
24 required by the records retention policy of that official, department, or agency.

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1 Upon inquiry in any matter the child, the court, and representatives of agencies,
2 except the ~~director~~ attorney general and the directors of the department of
3 transportation, the department of human services, the department of corrections
4 and rehabilitation, and county social service agencies, shall properly reply that no
5 record exists with respect to the child.