

HOUSE BILL NO. 1155

Introduced by

Representatives Klemin, DeKrey, Kingsbury

Senators Lyson, Nething, Olafson

1 A BILL for an Act to amend and reenact section 27-20-54 of the North Dakota Century Code,
2 relating to agencies exempt from the court-ordered 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 must
8 be retained and disposed of pursuant to rules and policies established by the North
9 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 record
12 of the destruction. All index references, except those which may be made by the
13 attorney general and the directors of the department of transportation, the department
14 of human services, the department of corrections and rehabilitation, law enforcement
15 agencies of political subdivisions, and county social service agencies, must be
16 deleted. Each agency, except the attorney general and the directors of the department
17 of transportation, the department of human services, the department of corrections
18 and rehabilitation, law enforcement agencies of political subdivisions, and county
19 social service agencies, upon notification of the destruction of a file or record, shall
20 destroy all files, records, and references to the child's apprehension, detention, and
21 referral to the juvenile court and any record of disposition made by the juvenile court.
22 The attorney general, the department of human services, the department of
23 corrections and rehabilitation, law enforcement agencies of political subdivisions, and
24 county social service agencies may not keep a juvenile file or record longer than is

1 required by the records retention policy of that official, department, or agency. Upon
2 inquiry in any matter the child, the court, and representatives of agencies, except the
3 attorney general and the directors of the department of transportation, the department
4 of human services, the department of corrections and rehabilitation, law enforcement
5 agencies of political subdivisions, and county social service agencies, shall properly
6 reply that no record exists with respect to the child.