

Introduced by

Senators Olafson, Lyson, Nelson

Representatives DeKrey, Delmore, Sanford

1 A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota
2 Century Code, relating to a domestic violence fatality review commission.

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

4 **SECTION 1.** A new section to chapter 14-07.1 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Domestic violence fatality review commission.**

7 1. The attorney general's office may establish a domestic violence fatality review
8 commission to review domestic violence deaths that have occurred in the state. The
9 domestic violence fatality review commission may review incidents in which the
10 investigation of fatal incidents of domestic violence has been completed or adjudicated
11 by law enforcement for the purpose of:

12 a. Recommending policies and protocols to prevent the incidence of domestic
13 violence and resulting fatalities; and

14 b. Providing consultation and coordination for agencies involved in the prevention
15 and investigation of domestic violence.

16 2. The attorney general shall appoint the membership of the domestic violence fatality
17 review commission, as appropriate, and may include representatives from:

18 a. Law enforcement agencies within the state;

19 b. County or city attorneys and public defenders, and the judiciary;

20 c. The medical examiner;

21 d. The department of corrections and rehabilitation;

22 e. Physicians and mental health professionals;

23 f. Employees of the state department of health and county social services;

- 1 g. Local civic agencies and organizations involved with crime victims and domestic
2 violence protection, reporting, counseling, and assistance;
- 3 h. Other organizations, departments, and agencies determined to be appropriate;
4 and
- 5 i. Other individuals serving on an ad hoc basis in association with a particular
6 review.
- 7 3. The commission may investigate and review the facts and circumstances of all deaths
8 that occur in the state as a result of domestic violence.
- 9 a. The review may include necessary and appropriate information, including current
10 laws and policies, actions taken by agencies and persons related to or involved
11 with the incident, criminal justice data collection and analysis, and other
12 information the commission determines to be relevant to the review.
- 13 b. The confidential and other appropriate records of a department or agency of the
14 state or municipality relating to the domestic violence incident may be examined
15 by the commission. The domestic violence fatality review commission and each
16 member of the commission shall preserve the confidentiality of any records
17 examined.
- 18 4. The domestic violence fatality review commission shall report its findings and
19 recommendations to the attorney general before December thirty-first of each year.
- 20 5. Meetings of the domestic violence fatality review commission are closed to the public
21 and are not subject to section 44-04-19.
- 22 6. The determinations, conclusions, and recommendations of the domestic violence
23 fatality review commission are not admissible in a civil or criminal proceeding.
- 24 7. Except for a public report issued by the attorney general's office, any information,
25 records, or data collected by the commission are an ~~otherwise~~ exempt record. The
26 commission may not use the information, records, or data for purposes other than
27 those designated by this section.
- 28 8. Whenever funding is available from grants, a member of the domestic violence fatality
29 review commission who is not a permanent full-time state employee is entitled to
30 compensation at a rate of seventy-five dollars per day and mileage and expense
31 reimbursement as provided for in sections 44-08-04 and 54-06-09. A state employee

1 who is a member of the commission must receive that employee's regular salary and
2 is entitled to mileage and expense reimbursement as provided for in sections 44-08-04
3 and 54-06-09, to be paid by the employing agency.