

SENATE CONCURRENT RESOLUTION NO. 4017

Introduced by

Senators Nelson, Murphy, J. Lee

Representative Conklin

1 A concurrent resolution directing the Legislative Management to study the feasibility and
2 desirability of allowing school officials, including officials of higher education institutions, access
3 to the otherwise confidential files and records of the juvenile court.

4 **WHEREAS**, the North Dakota Century Code provides that, with certain limited exceptions,
5 the files and records of the juvenile court are closed to the public; and

6 **WHEREAS**, school officials are not within the list of limited exceptions; and

7 **WHEREAS**, the North Dakota Century Code provides that the files and records of the
8 juvenile court are open to inspection with written leave of a juvenile judge or judicial referee by
9 the principal of any public or nonpublic school that is a member of the North Dakota High
10 School Activities Association, or the superintendent of any school district that has one or more
11 schools involved in the association, but only to the extent necessary to enforce the rules and
12 regulations of the North Dakota High School Activities Association; and

13 **WHEREAS**, school officials are not permitted to inspect the files or records for other
14 purposes; and

15 **WHEREAS**, officials of higher education institutions also have restricted access to juvenile
16 court records of incoming and enrolled students; and

17 **WHEREAS**, receiving additional information about incoming and enrolled students who are
18 juvenile offenders or who are students with juvenile court records would assist school officials in
19 protecting the welfare and safety of all students and staff, in providing appropriate treatment
20 and rehabilitation to the juvenile offenders or to students with juvenile court records, and in
21 providing appropriate levels of support and supervision to the juvenile offenders or the students
22 with juvenile court records;

23 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
24 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

1 That the Legislative Management study the feasibility and desirability of allowing school
2 | officials, including officials of higher education institutions, access to the otherwise confidential
3 files and records of the juvenile court; and
4 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
5 recommendations, together with any legislation required to implement the recommendations, to
6 the Sixty-third Legislative Assembly.