

HOUSE BILL NO. 1194
with Senate Amendments
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Introduced by

Representatives Klemin, Heinert, K. Koppelman

Senators Hogue, D. Larson

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 providing a victim's rights card; and to amend and reenact
3 subsections 6 and 10 of section 12.1-34-01, subsections 1, 2, and 6 of section 12.1-34-02, and
4 subsection 1 of section 12.1-34-06 of the North Dakota Century Code, relating to treatment
5 standards for victims.

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

7 **SECTION 1. AMENDMENT.** Subsections 6 and 10 of section 12.1-34-01 of the North
8 Dakota Century Code are amended and reenacted as follows:

9 6. "Family member" includes a spouse, child, sibling, parent, grandparent, grandchild,
10 legal guardian, or custodian of a victim, and any person with a relationship to the
11 victim which is substantially similar to a relationship specified in this section.

12 10. "Victim" means a natural person who has suffered direct or threatened physical,
13 financial, or emotional/psychological harm ~~where there is probable cause to believe~~
14 ~~that the harm has been caused by the commission of a criminal act~~ as the result of the
15 commission or attempted commission of a crime or delinquent act or against whom
16 the crime or delinquent act is committed. The term "victim" includes the family
17 members of a minor, incompetent, incapacitated, or deceased person. The term
18 "victim" does not include the accused or a person whom the court finds would not act
19 in the best interests of a deceased, incompetent, minor, or incapacitated victim.

20 **SECTION 2. AMENDMENT.** Subsections 1, 2, and 6 of section 12.1-34-02 of the North
21 Dakota Century Code are amended and reenacted as follows:

22 1. Informed by those entities that have contact with the victim or witness as to the
23 availability of and the methods available for registration with the statewide automated
24 victim information and notification system. Those entities include law enforcement,

- 1 prosecuting attorneys, the courts, and custodial authorities. A victim or witness who
2 clearly objects to registration may not be required to register with the system or must
3 be able to opt out of the system. A victim has the right to:
- 4 a. Prevent the disclosure of confidential or privileged information about the victim or
5 the victim's family; and
- 6 b. Be notified of any request for identifying information or confidential or privileged
7 information about the victim or victim's family.
- 8 2. Informed as to status of investigation. Victims and witnesses, upon request, must be
9 informed by law enforcement authorities investigating a criminal case of the status of
10 the investigation, except where the prosecuting attorney or law enforcement authority
11 determines that to disclose such information would unreasonably interfere with the
12 investigation, until such time as the alleged offender is apprehended or the
13 investigation is closed. A victim, upon request, must be allowed to confer with the
14 prosecuting attorney.
- 15 6. Services available. Victims and witnesses must be informed by the prosecuting
16 attorney and arresting law enforcement agency of all appropriate and available public
17 or private programs that provide counseling, treatment, or support for victims and
18 witnesses, including rape crisis centers, victim and witness assistance programs,
19 elderly victim services, victim assistance hotlines, social service agencies, and
20 domestic violence programs. Victims and witnesses must be informed of the right to
21 seek the advice of an attorney. The prosecuting attorney and law enforcement
22 authority shall advise victims eligible for services of the relevant provisions of chapter
23 54-23.4.

24 **SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-34-06 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 1. ~~The information technology department may establish~~ attorney general shall maintain a
27 statewide automated victim information and notification system that must:
- 28 a. Permit a victim to register or update the victim's registration information for the
29 system by calling a toll-free telephone number or accessing a public website.
- 30 b. Notify a registered victim by telephone, ~~mail~~ text message, or electronic mail in
31 accordance with this chapter.

- 1 c. Notify a registered victim by telephone, ~~mail~~text message, or electronic mail
2 when the offender has a scheduled court proceeding, a parole review, or a
3 change in the status of the offender's parole or probation status, including a
4 change in the offender's address.
- 5 d. Notify a registered victim by telephone, ~~mail~~text message, or electronic mail
6 when a protective order requested by the victim has been served upon the
7 respondent.
- 8 e. Permit a victim to receive a status report for an offender under the supervision or
9 in the custody of the department of corrections and rehabilitation or other
10 correctional facility by calling the system on a toll-free telephone number or by
11 accessing the system through a public website.

12 **SECTION 4.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Victim's rights card.**

15 The attorney general shall develop a card containing the rights of victims as provided in this
16 chapter and section 25 of article I of the Constitution of North Dakota to be distributed to all
17 crime victims.