Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017

HOUSE BILL NO. 1194
(Representatives Klemin, Heinert, K. Koppelman)
(Senators Hogue, D. Larson)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

1. Informed by those entities that have contact with the victim or witness as to the availability of and the methods available for registration with the statewide automated victim information and notification system. Those entities include law enforcement, prosecuting attorneys, the courts, and custodial authorities. A victim or witness who clearly objects to registration may not be required to register with the system or must be able to opt out of the system. A victim has the right to:

   a. Prevent the disclosure of confidential or privileged information about the victim or the victim's family; and

   b. Be notified of any request for identifying information or confidential or privileged information about the victim or victim's family.

2. Informed as to status of investigation. Victims and witnesses, upon request, must be informed by law enforcement authorities investigating a criminal case of the status of the investigation, except where the prosecuting attorney or law enforcement authority determines that to disclose such information would unreasonably interfere with the investigation, until such time as the alleged offender is apprehended or the investigation is closed. A victim, upon request, must be allowed to confer with the prosecuting attorney.

6. Services available. Victims and witnesses must be informed by the prosecuting attorney and arresting law enforcement agency of all appropriate and available public or private programs that provide counseling, treatment, or support for victims and witnesses, including rape crisis centers, victim and witness assistance programs, elderly victim services, victim assistance

hotlines, social service agencies, and domestic violence programs. Victims and witnesses must be informed of the right to seek the advice of an attorney. The prosecuting attorney and law enforcement authority shall advise victims eligible for services of the relevant provisions of chapter 54-23.4.

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

1. The ~~information technology department may establish~~office of the attorney general shall maintain a statewide automated victim information and notification system that must:

   a. Permit a victim to register or update the victim's registration information for the system by calling a toll-free telephone number or accessing a public website.

   b. Notify a registered victim by telephone, mail, text message, or electronic mail in accordance with this chapter.

   c. Notify a registered victim by telephone, mail, text message, or electronic mail when the offender has a scheduled court proceeding, a parole review, or a change in the status of the offender's parole or probation status, including a change in the offender's address.

   d. Notify a registered victim by telephone, mail, text message, or electronic mail when a protective order requested by the victim has been served upon the respondent.

   e. Permit a victim to receive a status report for an offender under the supervision or in the custody of the department of corrections and rehabilitation or other correctional facility by calling the system on a toll-free telephone number or by accessing the system through a public website.

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

Victim's rights card.

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

_____	_____
Speaker of the House	President of the Senate
_____	_____
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1194.

House Vote:	Yeas 87	Nays 3	Absent 4
Senate Vote:	Yeas 46	Nays 0	Absent 1

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Chief Clerk of the House

Received by the Governor at _____M. on _____, 2017.

Approved at _____M. on _____, 2017.

_____
Governor

Filed in this office this _____day of _____, 2017,

at _____ o'clock _____M.

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Secretary of State