

HOUSE BILL NO. 1313

Introduced by

Representatives Buffalo, Beadle, Dobervich, Fegley, Hager, Jones, M. Nelson, Satrom

Senators Clemens, Heckaman, Hogan, Kannianen

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 54-12-34 of the North Dakota~~
2 ~~Century Code, relating to the collection of data on missing and murdered indigenous people in~~
3 ~~the criminal justice data information sharing system.~~ for an Act to amend and reenact section
4 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing
5 persons.

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

7 ~~— **SECTION 1. AMENDMENT.** Subsection 1 of section 54-12-34 of the North Dakota Century~~
8 ~~Code is amended and reenacted as follows:~~

9 ~~— 1. The attorney general shall maintain a criminal justice data information sharing~~
10 ~~system within the bureau of criminal investigation for the exchange of criminal justice~~
11 ~~data information by judicial, law enforcement, and emergency services agencies, and~~
12 ~~the department of transportation. The criminal justice data information sharing system~~
13 ~~must include data related to missing and murdered indigenous people. Only an~~
14 ~~authorized individual employed by a criminal justice agency as defined in~~
15 ~~section 12-60-16.1, the department of transportation, a state court, or the department~~
16 ~~of emergency services or any other individual approved by the attorney general may~~
17 ~~access the system. To be eligible for access to the criminal justice data information~~
18 ~~sharing system, an individual shall undergo a criminal history background check,~~
19 ~~including a fingerprint check.~~

20 **SECTION 1. AMENDMENT.** Section 54-12-34 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-12-34. Criminal justice data information sharing system.**

23 1. The attorney general shall maintain a criminal justice data information sharing system
24 within the bureau of criminal investigation for the exchange of criminal justice data

1 information by judicial, law enforcement, and emergency services agencies, and the
2 department of transportation. Only an authorized individual employed by a criminal
3 justice agency as defined in section 12-60-16.1, the department of transportation, a
4 state court, or the department of emergency services or any other individual approved
5 by the attorney general may access the system. To be eligible for access to the
6 criminal justice data information sharing system, an individual shall undergo a criminal
7 history background check, including a fingerprint check.

8 2. The criminal justice data information sharing system may be accessed only in
9 accordance with rules adopted under this section. Any law enforcement record in the
10 possession of the attorney general through the criminal justice data information
11 sharing system is an exempt record. Criminal justice data information about an offense
12 committed by a child if the offense has not been transferred under section 27-20-34 to
13 another court having jurisdiction of the offense and information about a child victim or
14 witness is confidential.

15 3. The attorney general shall provide staff to maintain the criminal justice data
16 information system and provide administrative support for the advisory board.

17 4. A criminal justice information advisory board must be appointed, consisting of:

- 18 a. The chief justice of the supreme court or the chief justice's designee.
19 b. The director of the department of emergency services or the director's designee.
20 c. The director of the department of corrections and rehabilitation or the director's
21 designee.
22 d. The superintendent of the state highway patrol or the superintendent's designee.
23 e. The chief of the bureau of criminal investigation, who is the chairman of the
24 advisory board.
25 f. The chief information officer of the state or the chief information officer's
26 designee.
27 g. The director of the department of transportation or the director's designee.
28 h. A representative of a city police department, appointed by the attorney general
29 from a list of two or more nominees from the North Dakota chiefs of police
30 association.

- 1 i. A representative of a county sheriff's office, appointed by the attorney general
2 from a list of two or more nominees from the North Dakota sheriffs and deputies
3 association.
- 4 j. A state's attorney, appointed by the attorney general from a list of two or more
5 nominees from the North Dakota state's attorney's association.
- 6 k. A city government representative, appointed by the attorney general from a list of
7 two or more nominees from the league of cities.
- 8 l. A county government representative, appointed by the attorney general from a
9 list of two or more nominees from the association of counties.
- 10 5. Advisory board members who are not permanent full-time state employees are entitled
11 to compensation of seventy-five dollars per day and mileage and expenses as
12 provided by law for state employees. With the exception of the chief of the bureau of
13 criminal investigation, advisory board members appointed under this section serve
14 staggered three-year terms.
- 15 6. The attorney general, after consultation with the advisory board, shall adopt rules to
16 establish eligibility for access to the criminal justice data information sharing system; to
17 implement the collection, storage, and sharing of criminal justice information and the
18 systems necessary to perform those functions; and to address the operation of the
19 advisory board.
- 20 7. The attorney general shall implement a missing person repository for authorized users
21 to enter missing person information in accordance with rules established by the
22 bureau of criminal investigation. Missing person information, including demographic
23 data related to indigenous people, which is entered by an authorized user or made
24 available to an authorized user by a federally recognized tribe in this state must be
25 included in the repository. Records under this subsection are exempt records that
26 may be disclosed only in accordance with bureau of criminal investigation rules.