

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1199

Introduced by

Representatives Holle, Davis, Finley-DeVille, Brown, Frelich, Grueneich, Porter

Senators Braunberger, Cory, Patten, Marcellais

1 A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota
2 Century Code, relating to the collection of data on missing persons and the missing indigenous
3 people task force; to amend and reenact section 54-12-34 of the North Dakota Century Code,
4 relating to the criminal justice data information sharing system; to provide for a legislative
5 management report; to provide an appropriation; to provide a continuing appropriation; to
6 provide for a transfer; and to provide an expiration date.

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

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

10 **54-12-34. Criminal justice data information sharing system.**

- 11 1. The attorney general shall maintain a criminal justice data information sharing system
12 within the bureau of criminal investigation for the exchange of criminal justice data
13 information by judicial, law enforcement, and emergency services agencies, and the
14 department of transportation. Only an authorized individual employed by a criminal
15 justice agency as defined in section 12-60-16.1, the department of transportation, a
16 state court, or the department of emergency services or any other individual approved
17 by the attorney general or the attorney general's designee may access the system.
18 For access to the criminal justice data information sharing system, an individual shall
19 undergo a criminal history background check, including a fingerprint check, and meet
20 eligibility access criteria in accordance with the rules adopted under this section.
21 2. The criminal justice data information sharing system may be accessed only in
22 accordance with rules adopted under this section. Any law enforcement record in the

1 possession of the attorney general through the criminal justice data information
2 sharing system is an exempt record. Criminal justice data information about an offense
3 committed by a child if the offense has not been transferred under section 27-20.4-21
4 to another court having jurisdiction of the offense and information about a child victim
5 or witness is confidential.

- 6 3. The attorney general shall provide staff to maintain the criminal justice data
7 information system and provide administrative support for the advisory board.
- 8 4. A criminal justice information advisory board must be appointed, consisting of:
- 9 a. The chief justice of the supreme court or the chief justice's designee.
 - 10 b. The director of the department of emergency services or the director's designee.
 - 11 c. The director of the department of corrections and rehabilitation or the director's
12 designee.
 - 13 d. The superintendent of the state highway patrol or the superintendent's designee.
 - 14 e. The chief of the bureau of criminal investigation, who is the chairman of the
15 advisory board.
 - 16 f. The chief information officer of the state or the chief information officer's
17 designee.
 - 18 g. The director of the department of transportation or the director's designee.
 - 19 h. A representative of a city police department, appointed by the attorney general
20 from a list of two or more nominees from the North Dakota chiefs of police
21 association.
 - 22 i. A representative of a county sheriff's office, appointed by the attorney general
23 from a list of two or more nominees from the North Dakota sheriffs and deputies
24 association.
 - 25 j. A state's attorney, appointed by the attorney general from a list of two or more
26 nominees from the North Dakota state's attorney's association.
 - 27 k. A city government representative, appointed by the attorney general from a list of
28 two or more nominees from the league of cities.
 - 29 l. A county government representative, appointed by the attorney general from a
30 list of two or more nominees from the association of counties.

- 1 m. The executive director of the Indian affairs commission, or the executive
2 director's designee.
- 3 n. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee.
4 o. The chairman of the Spirit Lake Tribe, or the chairman's designee.
5 p. The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or
6 the chairman's designee.
- 7 q. The chairman of the Turtle Mountain Band of Chippewa Indians, or the
8 chairman's designee.
- 9 r. The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse
10 Reservation, or chairman's designee.

11 5. Advisory board members who are not permanent full-time state employees are entitled
12 to compensation of seventy-five dollars per day and mileage and expenses as
13 provided by law for state employees. With the exception of the chief of the bureau of
14 criminal investigation, advisory board members appointed under this section serve
15 staggered three-year terms.

16 6. The attorney general, after consultation with the advisory board, shall adopt rules to
17 establish eligibility for access to the criminal justice data information sharing system; to
18 implement the collection, storage, and sharing of criminal justice information and the
19 systems necessary to perform those functions; and to address the operation of the
20 advisory board.

21 ~~7. The attorney general shall implement a missing person repository for authorized users~~
22 ~~to enter missing person information in accordance with rules established by the~~
23 ~~bureau of criminal investigation. Missing person information, including demographic~~
24 ~~data related to indigenous people, which is entered by an authorized user or made~~
25 ~~available to an authorized user by a federally recognized tribe in this state must be~~
26 ~~included in the repository. Records under this subsection are exempt records that may~~
27 ~~be disclosed only in accordance with bureau of criminal investigation rules.~~

28 **SECTION 2.** A new section to chapter 54-12 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Missing indigenous people task force - Membership - Duties - Collection of data on**
2 **missing persons - Continuing appropriation - Legislative management report.**

- 3 1. There is created a missing indigenous people task force. The attorney general shall
4 serve as the chairman of the task force and the attorney general's office shall provide
5 staff services for the task force.
- 6 2. The task force shall meet at least once each quarter.
- 7 3. The task force membership must include the following members:
- 8 a. The superintendent of public instruction, or the superintendent's designee;
9 b. The chief of the bureau of criminal investigation, or the chief's designee;
10 c. The executive director of the Indian affairs commission, or the executive
11 director's designee;
- 12 d. The superintendent of the state highway patrol, or the superintendent's designee;
13 and
- 14 e. A representative from each of the federally recognized Indian nations, tribes, or
15 bands in this state, appointed by the attorney general from a list of two or more
16 nominees from the chairman of each tribe.
- 17 4. While respecting the government-to-government relationship between the state and
18 each tribe, the primary duties of the task force are to:
- 19 a. Identify jurisdictional barriers between federal, state, local, and tribal law
20 enforcement and community agencies;
- 21 b. Identify causes that contribute to missing and murdered indigenous people and
22 make recommendations to federally recognized tribes in the state to reduce
23 cases of missing and murdered indigenous people;
- 24 c. Identify strategies to improve interagency communication, cooperation, and
25 collaboration to remove jurisdictional barriers and increase reporting and
26 investigation of missing indigenous people; and
- 27 d. Administer the missing indigenous people grant fund.
- 28 5. The task force shall submit a report of its activities, findings, and any
29 recommendations to the legislative management by August first of each year. The
30 report must include:

- 1 a. The number of indigenous individuals reported missing in the missing person
2 repository;
- 3 b. The number of indigenous individuals recovered as a result of the missing person
4 repository;
- 5 c. The number of indigenous individuals recovered as a result of the missing
6 indigenous people grant fund;
- 7 d. The number of missing indigenous individuals searched for and recovered;
- 8 e. The number of missing indigenous individuals entries into the missing person
9 repository by year;
- 10 f. An analysis by year of the characteristics of missing indigenous people, including
11 age, gender, child protective services involvement status, foster case status,
12 duration of time missing, and estimated related cause;
- 13 g. The number of actively missing indigenous people by year;
- 14 h. A description of the activities and progress related to improving interagency
15 communication, cooperation, and collaboration and removing interjurisdictional
16 barriers; and
- 17 i. Any other information the task force finds relevant to the task force's mission.
- 18 6. The task force may make recommendations to federal, state, and local agencies in
19 carrying out the task force's duties.
- 20 7. Money in the missing indigenous people grant fund is appropriated on a continuing
21 basis to the task force for the purpose of supporting the efforts of a federally
22 recognized Indian nation, tribe, or band in this state, to identify, report, and find
23 missing indigenous people. The director of the office of management and budget shall
24 transfer any funds remaining in the missing indigenous people grant fund after July 31,
25 2035, to the general fund.
- 26 8. The attorney general shall implement a missing person repository for authorized users
27 to enter missing person information in accordance with rules established by the
28 bureau of criminal investigation. Missing person information, including demographic
29 data related to indigenous people, which is entered by an authorized user or made
30 available to an authorized user by a federally recognized tribe in this state must be

1 included in the repository. Records under this subsection are exempt records that may
2 be disclosed only in accordance with bureau of criminal investigation rules.

3 **SECTION 3. APPROPRIATION - TRANSFER - MISSING INDIGENOUS PEOPLE GRANT**

4 **PROGRAM FUND.** There is appropriated out of any moneys in the general fund in the state
5 treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be
6 necessary, which the office of management and budget shall transfer to the missing indigenous
7 people grant fund for the purpose of supporting the efforts of a federally recognized Indian
8 nation, tribe, or band in this state, to identify, report, and find missing indigenous people, for the
9 biennium beginning July 1, 2025, and ending June 30, 2027.

10 **SECTION 4. EXPIRATION DATE.** Sections 1 and 2 of this Act are effective through July 31,
11 2035, and after that date are ineffective.