

# JUDICIAL PROOF

## CHAPTER 320

### HOUSE BILL NO. 1044

(Judiciary Committee)  
(At the request of the Attorney General)

AN ACT to amend and reenact section 31-13-04 of the North Dakota Century Code, relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 31-13-04 of the North Dakota Century Code is amended and reenacted as follows:

##### **31-13-04. DNA testing - Procedure - Immunity.**

1. Samples of blood or other body fluids for DNA testing may be obtained in a medically approved manner by a physician, registered nurse, licensed practical nurse, phlebotomist, or medical technologist, and packaged and submitted in kits approved or provided by the laboratory and in accordance with rules adopted by the laboratory.
2. Samples of saliva for DNA testing may be obtained by a licensed peace officer or a correctional officer, and packaged and submitted in kits approved or provided by the laboratory and in accordance with rules adopted by the laboratory. Samples may be collected and submitted by personnel from an agency outside the state with approval of the laboratory.
3. Civil or criminal liability may not attach to any individual authorized to draw or obtain a sample of blood or other body fluids from any individual for DNA testing if the sample of blood or other body fluids was drawn or obtained according to sampling techniques approved by the laboratory.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 17, 2025

Filed March 18, 2025