

**CHAPTER 54-12**  
**ATTORNEY GENERAL**

**54-12-01. Attorney general - Duties.**

The attorney general shall:

1. Appear for and represent the state before the supreme court in all cases in which the state is interested as a party.
2. Institute and prosecute all actions and proceedings in favor or for the use of the state which may be necessary in the execution of the duties of any state officer.
3. Appear and defend all actions and proceedings against any state officer in the attorney general's official capacity in any of the courts of this state or of the United States. If both parties to an action are state officers, the attorney general may determine which officer the attorney general will represent and the other officer may employ counsel to represent that other officer.
4. Consult with and advise the several state's attorneys in matters relating to the duties of their office.
5. Attend the trial of any party accused of crime and assist in the prosecution when in the attorney general's judgment the interests of the state require it.
6. Consult with and advise the governor and all other state officers and when requested give written opinions on all legal or constitutional questions relating to the duties of such officers respectively.
7. Prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the state is interested.
8. Give written opinions, when requested by either branch of the legislative assembly, upon legal questions.
9. Enforce the proper application of funds appropriated to the public institutions of the state and prosecute breaches of trust in the administration of such funds.
10. Prosecute corporations and limited liability companies, when necessary, for failure or refusal to make the reports required by law.
11. Keep in proper books a register of all cases prosecuted or defended by the attorney general or the attorney general's assistants, in behalf of this state or its officers, and of all proceedings had in relation thereto, including a record of all actions wherein the state is a party, or is interested, prosecuted by the state's attorneys of the several counties and reported to the attorney general as provided by law, and deliver the same to the attorney general's successor in office.
12. Keep in the attorney general's office a book in which the attorney general shall record all the official opinions given by the attorney general during the attorney general's term of office, such book to be delivered by the attorney general to the attorney general's successor in office.
13. Pay into the state treasury all moneys received by the attorney general for the use of the state.
14. Serve as superintendent of the bureau of criminal investigation and perform all duties incident to the proper and efficient conduct of that office.
15. Attend to and perform any other duties which from time to time may be required by law.
16. Appoint the state fire marshal and supervise the operation of the state fire marshal department.
17. Give written opinions, when requested by the governing body or city attorney of a city in the state of North Dakota.
18. Repealed by S.L. 1991, ch. 637, § 9.
19. Give written opinions to public entities as defined in subdivision a or b of subsection 13 of section 44-04-17.1, when requested by an interested person under section 44-04-21.1.

**54-12-01.1. Attorney general to publish eminent domain information.**

The attorney general, with the cooperation of appropriate state agencies, shall publish online information describing the eminent domain laws of this state. The information must include the reasons for condemnation, the procedures followed by condemnors as defined by section 32-15-01, how citizens may influence the condemnation process, and the rights of property owners and citizens affected by condemnation. A condemnor shall notify a property owner of the available online information before making an offer to purchase and initiating a condemnation action.

**54-12-01.2. Regulation of gaming schools.**

Repealed by S.L. 2011, ch. 397, § 1.

**54-12-01.3. Judicial officers - Legal defense - Indemnification.**

The attorney general shall appear and defend any supreme court justice, supreme court surrogate justice, district court judge, district court surrogate judge, judicial referee, or director of juvenile court of this state in any action founded upon an act or omission arising out of performance of an official duty. If the attorney general determines that the attorney general or an assistant attorney general is unable to defend the judicial officer, the attorney general shall employ a special assistant attorney general to represent the judicial officer. The state shall indemnify the supreme court justice, supreme court surrogate justice, district court judge, district court surrogate judge, judicial referee, or director of juvenile court of this state for all reasonable costs, including attorney's fees, incurred by or awarded against the judicial officer in the action.

**54-12-01.4. Limitation of effect of certain opinions of attorney general.**

Any opinion of the attorney general, or any other public official other than a court of competent jurisdiction, that sections 16.1-01-13, 16.1-01-13.1, and 16.1-01-14 are unconstitutional, is not binding on any other public official, and all other public officials are free to act in accordance with the wishes of the people of North Dakota as expressed in sections 16.1-01-13, 16.1-01-13.1, and 16.1-01-14.

**54-12-02. Attorney general may institute action in which state is a party.**

The attorney general and the attorney general's assistants are authorized to institute and prosecute all cases in which the state is a party, whenever in their judgment it would be for the best interests of the state so to do.

**54-12-03. Attorney general may make investigation in county - How expenses paid.**

The attorney general may make an investigation in any county in this state to the end that the laws of the state shall be enforced therein and all violators thereof brought to trial, when:

1. The attorney general deems it necessary for the successful enforcement of the laws of the state in such county;
2. Requested by a majority of the members of the board of county commissioners of the county; or
3. Petitioned by twenty-five taxpaying citizens of the county.

The necessary expenses incurred in making the investigation or in prosecuting any resulting case, as determined by the attorney general and not otherwise specifically provided by law, must be paid by the county out of the state's attorney's contingent fund. All such expenses paid from the state's attorney's contingent fund must be paid by the county treasurer upon the warrant of the county auditor. The warrant must be executed and delivered by the auditor in an amount and to the person designated therein upon the written order of the attorney general.

**54-12-04. Attorney general to investigate and prosecute criminal matters in counties on demand of district judge - How expenses paid.**

Upon the written demand of a judge of the district court, with or without the consent and approval of the state's attorney of the county wherein such duties are to be performed, the attorney general, either personally or through the attorney general's assistants, shall be required

to make a full and complete investigation of any criminal matter or complaint referred to in the demand. The attorney general shall take full charge of and shall conduct any criminal prosecution in any county within the district of said district judge to the same effect and with like power and authority as the duly elected state's attorney of that county. All expenses, including mileage as now provided by law for state officers, and disbursements for subsistence while performing those duties incurred by the attorney general, must be paid and allowed by the county in which the said duties were performed in the manner in which claims against the county are allowed and paid, after an itemized statement thereof has been approved by the judge who requested that the same be performed.

**54-12-04.1. Attorney general to make investigation on Indian reservation - Expenses.**

The attorney general may make a full and complete investigation of any complaint alleging the deprivation of any constitutional, civil, or legal right of an individual residing on an Indian reservation upon the written request of the state's attorney of the county of residence of the aggrieved individual. The attorney general may conduct and take full charge of any criminal prosecution that results from the investigation. The necessary expenses incurred in making the investigation or in prosecuting any resulting case, as determined by the attorney general, must be allowed and paid by the county in which the investigation was requested in the same manner in which claims against the county are allowed and paid.

**54-12-04.2. Child sexual abuse investigation and prosecution.**

The child sexual abuse investigation and prosecution team consists of an assistant attorney general and an agent of the state bureau of criminal investigation. On request of any state's attorney, the team shall assist, within the limits of legislative appropriation and available staff resources, with the investigation and prosecution of child sexual abuse cases.

**54-12-05. Biennial report.**

1. The attorney general shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The report must provide:
  - a. A summary of the types of actions prosecuted or defended by the attorney general on behalf of the state.
  - b. The aggregate cost of prosecuting or defending actions on behalf of the state.
  - c. The amount of fines and penalties collected.
2. The attorney general also shall direct attention to any defect in the practical operations of the law relating to revenue and criminal offenses and shall suggest amendments and changes as in the attorney general's judgment are necessary to subserve the public interest.

**54-12-06. Assistant attorneys general - Attorney general may appoint.**

The attorney general may appoint assistant attorneys general whose appointment must be in writing and filed in the office of the secretary of state.

**54-12-07. Salary of assistant attorneys general.**

The salary of the assistant attorneys general must be within the amount appropriated for salaries by the legislative assembly and are payable in the same manner as other departmental payrolls.

**54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.**

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any

matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the agriculture commissioner, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.
3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of health and human services, department of environmental quality, and the state hospital.
4. An assistant or special assistant attorney general appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant or special assistant attorney general is considered a state educational official authorized to access student records.

#### **54-12-08.1. Contingent fee arrangements.**

The attorney general may not appoint or allow to be employed a special assistant attorney general in a civil case in which the amount in controversy exceeds one million dollars and the special assistant attorney general is compensated by a contingent fee arrangement, unless the contingent fee arrangement is approved by the emergency commission. A state governmental entity may not contract for legal services that are compensated by a contingent fee arrangement, unless the entity receives an appointment from the attorney general for a special assistant attorney general for each case in which there is a contingent fee arrangement. Any proceeding or information used by the emergency commission under this section is not subject to sections 44-04-18 and 44-04-19, unless made public by order of the emergency commission.

#### **54-12-09. Assistant attorney general for board of university and school lands - Appointment - Revocation - Oath.**

The attorney general shall appoint an assistant attorney general to act under the direction and supervision of the attorney general as attorney for the board of university and school lands. The appointment is revocable at the pleasure of the attorney general. Such assistant attorney general upon appointment and before assuming the person's duties shall take the oath prescribed for civil officers.

**54-12-09.1. Salary of assistant attorney general for board of university and school lands.**

Repealed by S.L. 1953, ch. 306, § 1.

**54-12-10. Assistant attorney general for board of university and school lands - Execution of certificates and documents.**

All certificates and documents executed, signed, or certified to by the assistant attorney general appointed to act as attorney for the board of university and school lands, must be executed, signed, or certified to in substantially the following form:

\_\_\_\_\_  
Attorney General  
By \_\_\_\_\_  
Assistant Attorney General

**54-12-11. Salary of attorney general.**

The annual salary of the attorney general is one hundred sixty-five thousand eight hundred forty-five dollars through June 30, 2022, and one hundred sixty-nine thousand one hundred sixty-two dollars thereafter.

**54-12-12. Licensing department - Inspectors - Powers and duties.**

Repealed by S.L. 1967, ch. 116, § 2.

**54-12-13. Special assistant attorneys general report of salaries and expenses.**

All departments that pay salaries or expenses of special assistant attorneys general shall report all such expenditures monthly to the attorney general upon such forms as must be prescribed by the attorney general. And all such salaries and expenses must be approved by the attorney general.

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:
  - a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  - b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  - c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  - d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.

- e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
  - f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
  3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

**54-12-14.1. Loans for law enforcement activities.**

The attorney general may obtain unsecured loans from any financial institution in this state for the purpose of conducting the activities listed in subdivision a of subsection 1 of section 54-12-14. Any funds obtained under this section must be repaid at the end of each biennium and are not subject to appropriation limitations.

**54-12-15. Drug enforcement unit - Personnel - Duties.**

Repealed by S.L. 2009, ch. 125, § 4.

**54-12-16. Powers of drug enforcement unit personnel.**

Repealed by S.L. 2009, ch. 125, § 4.

**54-12-17. Consumer protection and antitrust division.**

A consumer protection and antitrust division is created under the attorney general. This division consists of a director and such other personnel as may be appointed by the attorney general. The division shall act to enforce the consumer fraud laws and act with regard to the use or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, and shall make full investigation of such activities and maintain adequate facilities for filing reports, examining persons and merchandise in regard thereto, and storing impounded books, records, accounts, papers, and samples of merchandise relating to same. The division shall cooperate with other governmental agencies, national, state, or local, and with all peace officers of the state in regard thereto. The division also shall investigate antitrust violations and enforce antitrust laws.

**54-12-18. Special fund established - Continuing appropriation.**

A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer protection division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer protection and antitrust division on behalf of specifically named consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer protection division; and
5. To pay the actual costs of background investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each biennium any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

**54-12-19. Block house defined.**

Repealed by S.L. 2007, ch. 75, § 4.

**54-12-20. Block house program.**

Repealed by S.L. 2007, ch. 75, § 4.

**54-12-21. Recovery of funds - Limitations.**

All funds recovered by the attorney general as a result of negotiated settlements or court proceedings must be deposited in a special fund in the state treasury and may be appropriated only by the legislative assembly, except when:

1. A specific fund or special account is otherwise designated by law; or
2. The options open to the attorney general leave no choice as to the disposition of the proceeds if the state is to recover funds in a multistate settlement.

**54-12-22. Accessibility of sexual offender and crimes against children registration information.**

The attorney general shall provide to a law enforcement dispatch center access to registration information on individuals required to register under section 12.1-32-15 through any feasible electronic means that includes direct access to a computerized registration information database. The attorney general shall provide the information in a form that is referenced by driver's license number or number plate characters. The department of transportation shall provide the necessary information to the attorney general in any feasible form requested by the attorney general. The attorney general may require the cooperation of the state radio broadcasting system to provide the access required by this section.

**54-12-23. Special operations team reimbursement fund - Continuing appropriation.**

The attorney general may establish a special operations team reimbursement fund of up to two hundred fifty thousand dollars consisting of federal funds and moneys obtained from cities and counties. The funds are appropriated as a standing and continuing appropriation to the attorney general for reimbursement to city and county governments that provide special operations team services to rural areas. The attorney general shall develop guidelines for the reimbursement of expenses to city and county governments providing special operations team services.

**54-12-24. State crime laboratory division.**

1. A state crime laboratory is created as a division of the office of the attorney general. This division consists of a director, the state toxicologist, and such other personnel as may be appointed by the attorney general. The state crime laboratory may establish

and charge fees for services rendered. The state crime laboratory must be administratively separated from the bureau of criminal investigation. The director serves at the pleasure of the attorney general and is entitled to receive a salary set by the attorney general within the limits of legislative appropriation.

2. The state crime laboratory shall employ the services of a qualified toxicologist who must be the state toxicologist. The attorney general shall appoint the state toxicologist. The attorney general may appoint such qualified deputy state toxicologists as may be necessary to exercise the authority and responsibility prescribed by law for the state toxicologist. The results of toxicological or chemical testing or analysis, other than provided for in section 39-20-13, made by the state toxicologist at the request of law enforcement agencies for criminal investigation may not be disclosed directly or indirectly by the state toxicologist or any agent or employee of the attorney general to anyone other than the person or agency requesting the test or analysis or to any other person upon whom the toxicological or chemical test was performed or the person's authorized representative, except the state toxicologist may permit the inspection of the reports of any such test or analysis results by any other person having a proper interest therein as determined by the director of the state crime laboratory.
3. Upon the request of the state forensic examiner, any state's attorney, sheriff, chief of police, coroner, or other local, state, or federal law enforcement official, the attorney general may make available to the requesting official the state crime laboratory's facilities and personnel to assist in the investigation or detection of crimes and the apprehension or prosecution of criminals.

**54-12-24.1. Statewide sexual assault evidence collection kit tracking system - Exception.**

1. The state crime laboratory shall develop and implement a statewide sexual assault evidence collection kit tracking system. The director of the state crime laboratory may contract with public or private entities, including private software and technology providers for the creation, operation, and maintenance of the system.
2. All medical providers, law enforcement agencies, forensic laboratories, or other persons or entities that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault kits, shall participate in the statewide sexual assault evidence collection kit tracking system for the purpose of tracking the location and status of all sexual assault kits in their custody. Participation must begin according to the implementation schedule established by the state crime laboratory.
3. The statewide sexual assault evidence collection kit tracking system must:
  - a. Track the location and status of each sexual assault kit throughout the criminal justice process, including the initial collection during examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, storage, and any destruction of the kit after the applicable evidence is analyzed;
  - b. Allow participating entities that have custody of sexual assault kits to update and track the status and location of the kits;
  - c. Allow victims of sexual assault to track or receive updates anonymously regarding the status of their sexual assault kits; and
  - d. Use electronic or other technologies that allow for continuous access.
4. The state crime laboratory may phase in the requirement of initial participation in the statewide sexual assault evidence collection kit tracking system according to region, volume of sexual assault forensic evidence kits, or other appropriate classifications. All law enforcement agencies, medical providers, forensic laboratories, or other persons that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault forensic evidence kits are required to participate fully in the tracking system within one year of the tracking system's initial date of operation.
5. Annually, the state crime laboratory shall post a report on the statewide sexual assault evidence collection kit tracking system on the attorney general's website. The report must include the:



- a. Total number of sexual assault kits in the system statewide and by jurisdiction;
  - b. Total and semiannual number of sexual assault kits where forensic analysis has been completed both statewide and by jurisdiction;
  - c. Number of sexual assault kits added to the system in the reporting period both statewide and by jurisdiction;
  - d. Total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed both statewide and by jurisdiction; and
  - e. Total and semiannual number of sexual assault kits destroyed or removed from the system both statewide and by jurisdiction.
6. Records and information within the tracking system described in this section are exempt from disclosure under section 44-04-18.

**54-12-25. Attorney general may provide counsel to boards of health.**

The attorney general, upon the request of a board of health established under chapter 23-35, may provide legal counsel or a written legal opinion to the board of health. The attorney general may enter an agreement with a board of health for reimbursement of expenses incurred by the attorney general in providing legal counsel to the board of health.

**54-12-26. Attorney general multijurisdictional drug task force grant fund - Continuing appropriation.**

1. The attorney general may establish a multijurisdictional drug task force grant fund. The fund consists of funds appropriated by the legislative assembly. The funds are appropriated as a standing and continuing appropriation to the attorney general for the purpose of defraying the expenses and operating costs incurred by a multijurisdictional drug task force. The attorney general shall develop guidelines for the qualifications for receipt of grant funds, the disbursement of grant funds, and the necessary accounting procedures for the use of grant funds. In this section, "multijurisdictional drug task force" means a law enforcement task force:
  - a. Organized and created in this state by a written mutual aid or joint powers agreement;
  - b. Comprised of persons who are employed by, or acting under the authority of, different governmental entities, including federal, state, county, or municipal governments, or any combination of these agencies; and
  - c. Operated and established to enhance and facilitate interagency coordination, acquisition of intelligence information, and investigations of controlled substance and other drug-related crimes.
2. If the attorney general receives federal funds in excess of the year 2006 level of Byrne grant funding that may be used to defray the expenses and operating costs incurred by a multijurisdictional drug task force during the 2007-09 biennium, the attorney general may seek emergency commission approval to receive and spend the additional federal funds but may not spend moneys from the funds appropriated by the legislative assembly to the extent of the additional federal funds received for this purpose for the biennium beginning July 1, 2007, and ending June 30, 2009.

**54-12-27. Twenty-four seven sobriety program.**

The attorney general may establish a statewide twenty-four seven sobriety program. The sobriety program involves coordination among state, county, and municipal agencies to implement procedures as alternatives to incarceration for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances, domestic violence, abuse or neglect of a child, or for other offenses in which alcohol or controlled substances are involved.

**54-12-28. Twenty-four seven sobriety program guidelines, program fees, and records.**

1. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the traffic safety division of the department of transportation, may develop guidelines, policies, and procedures to

administer the twenty-four seven sobriety program and to test offenders to enforce compliance with the sobriety program, including sobriety testing twice per day seven days per week, electronic monitoring, including home surveillance and remote electronic alcohol monitoring, urine testing and drug patch testing, and to establish program fees, all of which are not subject to chapter 28-32.

2. To assist in monitoring the status of the twenty-four seven sobriety program, the attorney general may gather program records and statistics. Agencies or companies participating in the twenty-four seven program shall provide record and statistic information requested by the attorney general within thirty days of the request.

**54-12-28.1. Law enforcement acceptance of department of transportation action.**

A law enforcement agency shall accept, the same as if ordered by the court, an individual as part of the twenty-four seven program if the individual provides documentation that the individual will be issued a temporary restricted license by the department of transportation which is conditioned on participation in the twenty-four seven program.

**54-12-29. Twenty-four seven sobriety program fund - Continuing appropriation.**

There is created the twenty-four seven sobriety program fund to be administered by the attorney general. The fund includes appropriated funds; moneys received from grants from the United States; agencies of this state; private grants, gifts, or donations; and program fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including staff support, training and travel costs, computer software and hardware, testing equipment, and supplies.

**54-12-30. Twenty-four seven sobriety program fees.**

A criminal justice agency may collect program fees from offenders participating in the twenty-four seven sobriety program, including fees for twice per day breath alcohol testing, urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol monitoring devices, and remote electronic alcohol monitoring daily fees. The criminal justice agency shall pay all program fees into the general fund of the governing body. The fees may only be applied to twenty-four seven sobriety program support services, equipment maintenance and replacement, and compliance with the program. The governing body shall pay any daily fees collected for remote electronic alcohol monitoring to the twenty-four seven sobriety program fund.

**54-12-31. Bond conditions.**

A district or municipal court of this state may order an offender charged with a violation of section 39-08-01 or equivalent ordinance, domestic violence, abuse or neglect of a child, or other offense in which alcohol or controlled substances are involved to participate in the twenty-four seven sobriety program as a condition of bond.

**54-12-32. Blue alert notice system.**

1. Upon the request of a law enforcement agency that is investigating an offense against a law enforcement officer, the bureau of criminal investigation shall activate a blue alert public notice to aid in the apprehension of an individual who is a suspect in an offense if:
  - a. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
  - b. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
  - c. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and

- d. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.
2. The bureau of criminal investigation, in cooperation with the highway patrol and the division of state radio of the department of emergency services, shall prepare an operational plan to prepare for and respond to requests for activation of a blue alert notice.
3. As used in this section, the term "blue alert notice" means a quick response and notice that is issued after an individual has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty, and the individual has left the scene of the offense.

**54-12-33. Human trafficking commission.**

1. The attorney general may establish a human trafficking commission, comprised of designees from state, local, and tribal agencies which have contact with victims or perpetrators, nongovernmental organizations that represent or work with victims, and other organizations and individuals, including victims, whose expertise would benefit the commission. The attorney general may establish the commission by appointing an existing statewide coalition.
2. The commission shall:
  - a. Collect and evaluate data on human trafficking in this state and submit an annual report to the attorney general, governor, and legislative assembly;
  - b. Promote awareness and provide information to education personnel and the general public about human trafficking, victim remedies and services, and trafficking prevention;
  - c. Promote training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators;
  - d. Promote training on human trafficking investigation and prosecution and on missing and murdered indigenous people with the North Dakota state's attorney's association, the North Dakota peace officers standards and training board, and state and local law enforcement agencies;
  - e. Present annually regarding human trafficking awareness and prevention at professional development conferences directed toward teachers, administrators, and support staff which are hosted by educational organizations in this state or by the department of public instruction; and
  - f. Conduct other appropriate activities.

**54-12-33.1. Human trafficking prevention training - Exemptions - Immunity - Continuing appropriation.**

1. As used in this section:
  - a. "Human trafficking" means human trafficking as defined in chapter 12.1-41.
  - b. "Human trafficking commission" means the commission established under section 54-12-33.
  - c. "Lodging establishment" means any hotel, motel, resort, building, or structure that is used to provide sleeping accommodations to transient guests.
  - d. "Proprietor" means the person in charge of a lodging establishment and includes an owner, lessee, and manager.
2. Within ninety days of the effective date of this section, the human trafficking commission shall establish an educational training program with a focus on the accurate and prompt identification and reporting of, or response to, suspected human trafficking. To the extent possible, the human trafficking commission shall allow the use of existing training modules and materials. The training must include:
  - a. Human trafficking awareness;
  - b. How to recognize potential victims of human trafficking;
  - c. How to identify activities commonly associated with human trafficking; and

- d. Effective responses to human trafficking situations, including how to report suspected human trafficking to law enforcement.
3. A proprietor may:
  - a. Provide each onsite employee with the training described in subsection 2.
  - b. In an employee roster or in each employee's personnel file, annually certify each employee has received the training approved by the human trafficking commission.
  - c. Conduct an ongoing awareness campaign for employees which addresses the information described in subsection 2.
4. A proprietor may post and maintain a poster approved and provided by the human trafficking commission which contains the information described in subsection 2. The poster must include the contact information for an organization that provides assistance and support services to human trafficking victims. The poster may be visibly displayed at the lodging establishment's check-in area, lobby, or transient guest services.
5. A proprietor or employee of a lodging establishment who acts in good faith is immune from liability in any civil action for reporting suspected human trafficking activities.
6. The human trafficking commission may seek, apply for, accept, and receive any donation, gift, grant, or bequest offered or tendered from public or private sources for the purpose of furthering the objectives of the human trafficking prevention training and incentivizing proprietors to participate in the human trafficking prevention training. All moneys received or accepted under this subsection are appropriated on a continuing basis to the human trafficking commission.

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

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general or the attorney general's designee may access the system. For access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check, and meet eligibility access criteria in accordance with the rules adopted under this section.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20.4-21 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
  - a. The chief justice of the supreme court or the chief justice's designee.
  - b. The director of the department of emergency services or the director's designee.
  - c. The director of the department of corrections and rehabilitation or the director's designee.
  - d. The superintendent of the state highway patrol or the superintendent's designee.
  - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
  - f. The chief information officer of the state or the chief information officer's designee.
  - g. The director of the department of transportation or the director's designee.

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

**54-12-35. Law enforcement officer tuition and fees waiver.**

1. To the extent the annual cap under this section has not been met, an individual who is employed as a full-time law enforcement officer in this state, who has a minimum of two years of employment, and who is licensed under chapter 12-63, is entitled to a waiver of twenty-five percent of resident tuition and fees of any institution of higher education under the control of the state board of higher education if the law enforcement officer:
  - a. Maintains satisfactory performance with the officer's law enforcement agency;
  - b. Obtains authorization to participate in the waiver program and a certificate of verification from the law enforcement officer's superior officer which attests to the officer's satisfactory performance;
  - c. Meets all admission requirements of the institution; and
  - d. Pursues studies leading to a degree from an associate degree program or a baccalaureate degree program.
2. The law enforcement officer may receive the waiver for up to five years from the date the law enforcement officer first receives a waiver under this section.
3. The institution of higher education shall waive twenty-five percent of the officer's tuition and fees after subtracting awarded federal financial aid grants and state scholarships and grants for an eligible law enforcement officer during the time the officer is enrolled. To remain eligible for the waiver, the officer shall comply with all requirements of the institution for continued attendance and award of an associate degree or a baccalaureate degree.
4. The law enforcement officer shall include the certificate of verification when applying for enrollment to the institution of higher education.

5. The total amount of waivers granted each academic year by institutions under the control of the state board of higher education may not exceed five hundred thousand dollars.
6. The attorney general shall adopt the rules necessary to implement this section.