

CHAPTER 10-13-12
AGENCY RESPONSIBILITY FOR REPORTING CRIMINAL HISTORY RECORD
INFORMATION

Section

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10-13-12-01. Criminal justice agencies.

Criminal justice agencies shall report the following reportable events and information to the bureau:

1. Arrests.
 - a. Biometric data.
 - b. Physical description.
 - c. Charges.
2. Decisions not to refer arrests for prosecution.
3. Biometric data ordered by the court after a determination biometric data has not been previously collected from a defendant for the current charge.
4. The arresting agency is responsible for reporting the required information to the bureau even though another agency is under agreement to provide fingerprinting services or collection of biometric data.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3, 12-60-16.4

10-13-12-02. Prosecuting attorneys.

Prosecuting attorneys shall report the following events and information to the bureau:

1. Charges filed.
2. Charges added subsequent to the filing of a criminal case.
3. Decisions not to file charges after a reported arrest.
4. Judgments of not guilty.
5. Judgments of guilty, including the sentence imposed.
6. Dismissal of charges.
7. Reversal of conviction.
8. Remand.
9. Vacation of sentence.
10. Sentence amendment or modification.

11. Judgment or order modifying or terminating probation.
12. Judgment or order revoking probation, including resentencing and the sentence imposed.
13. Deferred imposition of sentence or suspended sentence.
14. Death of defendant prior to trial.
15. Deferred prosecution or pretrial diversion of offenses under rule 32.2 of the North Dakota rules of criminal procedure.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3, 12-60-16.4

10-13-12-03. Local and regional correctional facilities.

1. Local and regional correctional facilities shall report to the bureau the following events and information:
 - a. Receipt of an inmate.
 - b. Escape of an inmate.
 - c. Death of an inmate.
 - d. Release of an inmate from custody.
2. This information shall be reported only for those offenders actually sentenced to the custody of the sheriff or local or regional correctional facility for reportable offenses. It does not apply to offenders who happen to be in custody awaiting trial or transfer to another facility, except in the event of the offender's escape or death.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3

10-13-12-04. North Dakota department of corrections and rehabilitation.

The department of corrections and rehabilitation shall report to the bureau the following events and information:

1. Receipt of an inmate.
2. Escape of an inmate.
3. Death of an inmate.
4. Release of an inmate from custody.
5. Transfer of an inmate to an out-of-state correctional facility
6. Admission of an offender to supervision of probation or parole under the interstate compact for adult offender supervision.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3

10-13-12-05. Pardon advisory board and parole board.

The pardon advisory board and parole board, through the department of corrections and rehabilitation, shall report to the bureau the following events and information for each sentence assigned to a record subject for each reportable offense:

1. Pardon.
2. Parole.
3. Commutation of sentence.
4. Discharge of a parolee from custody or supervision.
5. Termination or revocation of parole.
6. Termination of supervision under the interstate compact for adult offender supervision.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.2, 12-60-16.3