

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1462

Introduced by

Representatives N. Johnson, Porter, Svedjan

Senators Lee, T. Mathern

1 A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code,
2 relating to the duty to report injuries.

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

4 **SECTION 1. AMENDMENT.** Section 43-17-41 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-17-41. Duty of physicians and others to report injury - Penalty.**

7 1. Any physician, physician assistant, or ~~other medical or mental health professional,~~
8 any individual licensed under chapter 43-12.1 who ~~has under his charge or care or~~
9 performs any ~~professional services~~ diagnosis or treatment for any ~~person~~
10 individual suffering from any wound, injury, or other physical trauma ~~inflicted;~~

11 a. Inflicted by his the individual's own act or by the act of another by means of a
12 knife, gun, or pistol; shall as soon as practicable report the wound, injury, or
13 trauma to a law enforcement agency in the county in which the care was
14 rendered; or which he

15 b. Which the individual has reasonable cause to suspect was inflicted in
16 violation of any criminal law of this state, shall as soon as practicable report
17 the ~~same~~ wound, injury, or trauma to the sheriff or state's attorney of a law
18 enforcement agency in the county in which such the care was rendered.

19 2. The report under subsection 1 must state the name of the injured ~~person, if known,~~
20 ~~his whereabouts,~~ individual and the character and extent of ~~his the individual's~~
21 injuries. Unless the injured person is being treated for injuries inflicted by means
22 of a knife, gun, or pistol or for serious bodily injury as defined by section
23 12.1-01-04, a physician, physician assistant, or an individual licensed under
24 chapter 43-12.1 is not required to report under this subsection if the injured person

1 is eighteen years of age or older, the injured person is a victim of domestic
2 violence as defined in section 14-07.1-01, and the physician, physician assistant,
3 or any individual licensed under chapter 43-12.1 determines that not reporting the
4 injury is in the best interests of the injured person after considering the person's
5 safety and autonomy.

6 2- 3. When a report of domestic violence, as defined in section 14-07.1-01, or a report
7 of physical injury resulting from a sexual offense as defined in chapter 12.1-20 is
8 made to a law enforcement agency as required by this section, the injured
9 individual must be provided with information regarding a domestic violence sexual
10 assault organization as defined in section 14-07.1-01 or other victims' assistance
11 program by the physician, physician assistant, or any individual licensed under
12 chapter 43-12.1, unless it is known that the information has previously been
13 provided to the injured individual.

14 4. The reports mandated by this section must be made as soon as practicable and
15 may be either oral or in writing. Oral reports must be followed by written reports
16 within forty-eight hours if so requested by the sheriff or state's attorney to whom
17 the oral report is originally made.

18 3- 5. Any ~~person~~ individual required to report as provided by this section who willfully
19 fails to do so is guilty of an infraction.

20 4- 6. Any ~~person~~ individual making or not making a report in good faith pursuant to this
21 section is immune from liability for making ~~said~~ or not making a report.