

Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009

SENATE BILL NO. 2041
(Legislative Council)
(Information Technology Committee)

AN ACT to amend and reenact section 54-59-21 of the North Dakota Century Code, relating to the criminal justice information sharing board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Director - Exempt records.

1. The criminal justice information sharing board consists of ~~the~~:
 - a. The chief justice of the supreme court or the chief justice's designee,~~the~~.
 - b. The attorney general or the attorney general's designee,~~and the~~.
 - c. The chief information officer of the state.
 - d. The director of the department of emergency services or the director's designee.
 - e. The director of the department of corrections and rehabilitation or the director's designee.
 - f. The superintendent of the state highway patrol or the superintendent's designee.
 - g. The chief of the bureau of criminal investigation.
 - h. The director of the department of transportation or the director's designee.
 - i. A representative of a city police department, appointed by the governor from a list of two or more nominees from the North Dakota chiefs of police association.
 - j. A representative of a county sheriff's office, appointed by the governor from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - k. A state's attorney, appointed by the governor from a list of two or more nominees from the North Dakota state's attorneys association.
 - l. One at-large member appointed by the governor.
2. The chief information officer is chairman of the board. 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 to be paid by the information technology department. A state employee who is a board member must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency. Board members who are appointed by the governor under this section serve for a term of three years.
2. 3. The information technology department, at the direction of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal

justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1, and any other person designated by the board may access the system. The system only may be accessed for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.

3. 4. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff and other necessary support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
4. 5. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint ~~an executive committee and an advisory committee that would serve in an advisory capacity to the board~~ such committees as it deems necessary.
5. 6. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2041.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 92 Nays 1 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State