

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2169

Introduced by

Senators J. Lee, Lyson

Representatives DeKrey, Delmore, Gruchalla

1 A BILL for an Act to amend and reenact section 27-20-52 of the North Dakota Century Code,
2 relating to the law enforcement or correctional facility records of a child.

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

4 **SECTION 1. AMENDMENT.** Section 27-20-52 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-20-52. Law enforcement and correctional facility records.** ~~Law enforcement and~~
7 ~~correctional facility records and files of a child alleged or found to be delinquent, unruly, or~~
8 ~~deprived must be kept separate from the records and files of arrests of adults.~~

9 1. Unless a charge of delinquency is transferred for criminal prosecution under
10 section 27-20-34, the interest of national security requires, or the court otherwise
11 orders in the interest of the child, ~~these records and files may~~ the law enforcement
12 and correctional facility records and files of a child alleged or found to be
13 delinquent, unruly, or deprived are not be open to public inspection; but inspection
14 of these records and files is permitted by:

- 15 ~~1-~~ a. A juvenile court having the child before it in any proceeding;
16 ~~2-~~ b. Counsel for a party to the proceeding;
17 ~~3-~~ c. The officers of public institutions or agencies to whom the child is or may be
18 committed;
19 ~~4-~~ d. Law enforcement officers of other jurisdictions when necessary for the
20 discharge of their official duties;
21 ~~5-~~ e. A court in which the child is convicted of a criminal offense for the purpose of
22 a presentence report or other dispositional proceeding, or by officials of
23 correctional facilities to which the child is detained or committed, or by the
24 parole board, the governor, or the pardon advisory board, if one has been

- 1 appointed, in considering the child's parole or discharge or in exercising
2 supervision over the child;
- 3 ~~6.~~ f. The professional staff of the uniform crime victims compensation program
4 when necessary for the discharge of its duties pursuant to chapter 54-23.4;
5 and
- 6 ~~7.~~ g. A superintendent or principal of the school in which the child is currently
7 enrolled or of a school in which the child wishes to enroll.
- 8 2. Notwithstanding that law enforcement records and files of a child alleged or found
9 to be delinquent, unruly, or deprived are not open to public inspection, ~~nothing in~~
10 this section ~~may be construed to~~ does not limit the release of general information
11 ~~not identifying~~ that does not identify the identity of the child.