

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

SENATE BILL NO. 2169
(Senators J. Lee, Lyson)
(Representatives DeKrey, Delmore, Gruchalla)

AN ACT to amend and reenact section 27-20-52 of the North Dakota Century Code, relating to the law enforcement or correctional facility records of a child.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

- ~~1.~~ 1. Unless a charge of delinquency is transferred for criminal prosecution under section 27-20-34, the interest of national security requires, or the court otherwise orders in the interest of the child, ~~these records and files may~~ the law enforcement and correctional facility records and files of a child alleged or found to be delinquent, unruly, or deprived are not be open to public inspection; but inspection of these records and files is permitted by:
 - ~~1.~~ a. A juvenile court having the child before it in any proceeding;
 - ~~2.~~ b. Counsel for a party to the proceeding;
 - ~~3.~~ c. The officers of public institutions or agencies to whom the child is or may be committed;
 - ~~4.~~ d. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties;
 - ~~5.~~ e. A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of correctional facilities to which the child is detained or committed, or by the parole board, the governor, or the pardon advisory board, if one has been appointed, in considering the child's parole or discharge or in exercising supervision over the child;
 - ~~6.~~ f. The professional staff of the uniform crime victims compensation program when necessary for the discharge of its duties pursuant to chapter 54-23.4; and
 - ~~7.~~ g. A superintendent or principal of the school in which the child is currently enrolled or of a school in which the child wishes to enroll.
2. Notwithstanding that law enforcement records and files of a child alleged or found to be delinquent, unruly, or deprived are not open to public inspection, ~~nothing in this section may be construed to~~ does not limit the release of general information ~~not identifying that~~ does not identify the identity of the child.

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. 2169.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 93 Nays 0 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