

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2123

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota
2 Century Code, relating to allowing the department of human services to require criminal history
3 record checks in certain circumstances; and to amend and reenact subdivision g of
4 subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history
5 record checks conducted by the bureau of criminal investigation.

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

7 **SECTION 1. AMENDMENT.** Subdivision g of subsection 2 of section 12-60-24 of the
8 North Dakota Century Code is amended and reenacted as follows:
9 g. The department of human services for carecheck registrations under section
10 50-11.1-06.2 and investigations conducted pursuant to section 2 of this Act.

11 **SECTION 2.** A new section to chapter 50-06 of the North Dakota Century Code is
12 created and enacted as follows:

13 **Criminal history record investigation for licensees, employees, and others - Fees**
14 **- Rules.**

- 15 1. The department may require criminal history record investigations as the
16 department determines appropriate for:
17 a. Employees of the department upon hiring.
18 b. County social service board employees responsible for providing services
19 under programs supervised by the department and administered by the
20 county.
21 c. Providers licensed by the department under chapters 25-03.2, 25-16, and
22 50-12 and section 50-31-02, as well as for any employees of those providers.
23 d. Licensed providers of early childhood services, nonlicensed holders of a self
24 declaration, and nonlicensed registered providers, under chapter 50-11.1.

1 The department also may require criminal history record checks for staff
2 members of those providers, or for adult household members of the provider
3 if the provider is providing early childhood services within the provider's home
4 and the adult household member resides within that home.

5 e. Applicants for licenses issued under chapter 50-11, for appointment of a legal
6 guardian under chapter 50-11.3, and for a petition for adoption under chapter
7 50-12.

8 2. Upon receipt of all fingerprints and necessary information relating to a criminal
9 history record investigation, the department of human services shall submit those
10 fingerprints and that information to the bureau of criminal investigation.

11 3. The bureau of criminal investigation shall request a nationwide background check
12 from the federal bureau of investigation and, upon receipt of a response, provide
13 the response of the federal bureau of investigation to the department of human
14 services. The bureau of criminal investigation also shall provide any criminal
15 history record information that may lawfully be made available under chapter 12-60
16 to the department of human services. Unless otherwise provided within title 50,
17 the bureau of criminal investigation may charge a reasonable fee to offset the cost
18 of providing any criminal history record information and may require payment of
19 any charge imposed by the federal bureau of criminal investigation for a
20 nationwide background check.

21 4. The department may adopt rules to identify how the results of an investigation
22 completed under this section will impact a licensee, employee, or other individual.