

Introduced by

Senators Poolman, Armstrong

Representatives Delmore, Heilman, Larson

1 A BILL for an Act to amend and reenact subsection 15 of section 12.1-32-15 and section
2 27-21-12 of the North Dakota Century Code, relating to the release of juvenile records and
3 other information to schools.

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

5 **SECTION 1. AMENDMENT.** Subsection 15 of section 12.1-32-15 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 15. If a juvenile is adjudicated delinquent and required or ordered to register as a sexual
8 offender or as an offender against a child under this section, the juvenile shall comply
9 with the registration requirements in this section. Notwithstanding any other provision
10 of law, a law enforcement agency shall register a juvenile offender in the same manner
11 as adult offenders and may release any relevant and necessary information on file to
12 other law enforcement agencies, the department of human services, ~~the~~
13 ~~superintendent or principal of the school the juvenile attends~~, or the public if disclosure
14 is necessary to protect public health or safety. The law enforcement agency shall
15 release any relevant and necessary information on file to the superintendent or
16 principal of the school the juvenile attends. The school administration ~~may~~shall notify
17 others in similar positions if the juvenile transfers to another learning institution in or
18 outside the state.

19 **SECTION 2. AMENDMENT.** Section 27-21-12 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **27-21-12. Division of juvenile services files and records confidentiality.**

22 1. The files and records of the division of juvenile services relating to a juvenile
23 committed to the division may not be disclosed directly or indirectly to any person,
24 organization, or agency, except as provided in this section.

- 1 2. Notwithstanding any other provisions of law relating to confidentiality, except for the
2 confidentiality requirements of federal drug and alcohol treatment and rehabilitation
3 laws, the division may disclose all or part of a juvenile's files and records, including
4 juvenile court orders, medical, psychological, education, and treatment and counseling
5 records, to individuals employed by the following if the knowledge is reasonably
6 necessary in the best interest of the juvenile and for the protection of others:
- 7 a. The district court or juvenile court.
- 8 b. A parent or legal guardian of the juvenile, the parent's or legal guardian's
9 counsel, or the juvenile's counsel, when the juvenile court has committed the
10 juvenile to the custody of the division of juvenile services, and the records are
11 relevant to a proceeding under chapter 27-20 or to a placement hearing under
12 section 27-21-02.1, or when disclosure is necessary for the juvenile's treatment
13 and rehabilitation plan. If the juvenile court determines that it is against the best
14 interests of the juvenile to disclose records to a parent or legal guardian, the
15 juvenile court may issue an order prohibiting disclosure and describing the
16 records that may not be disclosed.
- 17 c. An employee or agent of any division of the department of corrections and
18 rehabilitation when necessary to carry out the duties of the department.
- 19 d. The department of human services or a county social service agency.
- 20 e. A licensed hospital or medical facility, a public or private treatment facility, or a
21 residential care or treatment facility, when necessary for the evaluation,
22 treatment, or care of a juvenile in the custody of the division of juvenile services.
- 23 f. A law enforcement agency when the division has reasonable grounds to believe
24 the juvenile has committed a delinquent act or has threatened to commit a
25 delinquent act involving serious bodily injury, or when the juvenile is required to
26 register, or is registered, under section 12.1-32-15.
- 27 g. ~~A school district or multidistrict special education program in which the juvenile is~~
28 ~~enrolled.~~
- 29 h. The office of the attorney general.

1 i.h. The risk management division of the office of management and budget and
2 investigators, consultants, or experts retained by the state for the purpose of
3 investigating and defending claims under chapter 32-12.2.

4 3. Notwithstanding any other provisions of law relating to confidentiality, except for the
5 confidentiality requirements of federal drug and alcohol treatment and rehabilitation
6 laws, the division shall disclose to the superintendent or principal of the school in
7 which the juvenile is enrolled, the juvenile's files and records, including juvenile court
8 orders and medical, psychological, education, and treatment and counseling records.

9 4. A person, agency, or institution receiving information or records under this section may
10 not redisclose the information or records and shall maintain the confidentiality of the
11 information or records.

12 4.5. The division may disclose nonidentifying information for research and statistical
13 purposes.

14 5.6. The division may disclose the files and records of a juvenile under subdivision f or g of
15 subsection 1 of section 27-20-51.

16 6.7. The division shall disclose information to the extent necessary to comply with section
17 12.1-34-02.

18 7.8. In all other cases, records and files of the division of juvenile services relating to a
19 juvenile committed to its custody may only be open to inspection upon written leave of
20 the juvenile court upon a showing in writing of a legitimate interest, but only to the
21 extent necessary to respond to the legitimate interest.

22 8.9. The records of the division relating to an individual who is or has been in the custody
23 of the division may be disclosed to any court or probation staff for use in conducting a
24 presentence investigation in a criminal case in which the individual is a defendant.

25 9.10. The records of the division relating to an individual who is or has been in the custody
26 of the division may be disclosed to the United States social security administration
27 upon written authorization for disclosure by the individual's parent or legal guardian if
28 the individual is a child, or if the individual is no longer a child, by the individual.