

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  
26 custody of the division may be disclosed to the United States social security  
27 administration upon written authorization for disclosure by the individual's parent or  
28 legal guardian if the individual is a child, or if the individual is no longer a child, by the  
29 individual.