

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2056
(Political Subdivisions Committee)
(At the request of the Information Technology Department)

AN ACT to amend and reenact subsection 1 of section 12.1-34-02 and section 12.1-34-06 of the North Dakota Century Code, relating to the statewide automated victim information and notification system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 12.1-34-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Informed by those entities that have contact with the victim or witness as to the availability of and the methods available for registration with the statewide automated victim information and notification system. Those entities include law enforcement, prosecuting attorneys, the courts, and custodial authorities. A victim or witness who clearly objects to registration may not be required to register with the system or must be able to opt out of the system.

SECTION 2. AMENDMENT. Section 12.1-34-06 of the North Dakota Century Code is amended and reenacted as follows:

12.1-34-06. Statewide automated victim information and notification system.

1. The information technology department may establish a statewide automated victim information and notification system that must:
 - a. Permit a victim to register or update the victim's registration information for the system by calling a toll-free telephone number or accessing a public website.
 - b. Notify a registered victim by telephone, mail, or e-mail in accordance with this chapter.
 - c. Notify a registered victim by telephone, mail, or e-mail when the offender has a scheduled court proceeding, a parole ~~or pardon~~ review, or a change in the status of the offender's parole or probation status, including a change in the offender's address.
 - d. ~~Notify a registered victim by telephone, mail, or e-mail when a registered sexual offender has updated the offender's registration information or failed to comply with any registration requirement.~~
 - e. Notify a registered victim by telephone, mail, or e-mail when a protective order requested by the victim has been served upon the respondent.
 - f.e. Permit a victim to receive a status report for an offender under the supervision or in the custody of the department of corrections and rehabilitation or other correctional facility ~~or for a registered sexual offender~~ by calling the system on a toll-free telephone number or by accessing the system through a public website.
2. ~~If a statewide automated victim information and notification system is established, the~~The provision of offender and case data on a timely basis to the automated victim information and notification system satisfies any obligation under this chapter to notify a registered victim of an offender's custody and the status of the offender's scheduled court proceedings.

3. ~~If a statewide automated victim information and notification system is established, the~~The user agency shall ensure that an offender's information contained in the system is updated to timely notify a victim that an offender has been released or discharged or has escaped. The failure of the system to provide notice to the victim does not establish a cause of action by the victim against the state or any custodial authority.
4. All affected entities, including custodial authorities, prosecuting attorneys, law enforcement agencies, courts, the attorney general's office, ~~the pardon board,~~ and the parole clerk, shall cooperate with the system operator in establishing and maintaining the statewide automated victim information and notification system.

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-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2056.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 89 Nays 0 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State