

Introduced by

Senators Davison, Luick, Oban, Poolman

Representatives P. Anderson, Beadle

1 A BILL for an Act to amend and reenact subsection 2 of section 12-60-24 of the North Dakota  
2 Century Code, relating to criminal history record checks.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 12-60-24 of the North Dakota Century  
5 Code is amended and reenacted as follows:

6 2. The bureau of criminal investigation shall provide to each agency, official, or entity  
7 listed in this subsection who has requested a statewide and nationwide criminal history  
8 record check, the response of the federal bureau of investigation and any statewide  
9 criminal history record information that may lawfully be made available under this  
10 chapter:

11 a. The governing body of a city or a county, by ordinance or resolution, for a final  
12 applicant for a specified occupation with the city or county.

13 b. The agriculture commissioner for each applicant for a license to grow or process  
14 industrial hemp under section 4-41-02.

15 c. The education standards and practices board for initial, reentry, and reciprocal  
16 teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance  
17 and counseling services under section 15.1-13-23.

18 d. The medical examiners board for licenses or disciplinary investigations under  
19 section 43-17-07.1, except that criminal history record checks need not be made  
20 unless required by the board.

21 e. The private investigative and security board for licenses or registrations under  
22 section 43-30-06.

23 f. The department of human services for foster care licenses and approvals under  
24 chapter 50-11, appointments of legal guardians under chapter 50-11.3, and

1 petitions for adoptions under chapter 50-12, except that the criminal history  
2 record investigation must be conducted in accordance with those chapters. A  
3 criminal history record investigation completed under chapter 50-11, 50-11.3, or  
4 50-12 may be used to satisfy the requirements of a criminal history record  
5 investigation under either of the other two chapters.

- 6 g. The department of human services for criminal history record checks authorized  
7 under section 50-06-01.9.
- 8 h. The chief information officer of the information technology department for certain  
9 individuals under section 54-59-20.
- 10 i. A public peace officer training school that has been approved by the peace officer  
11 standards and training board for enrollees in the school. The school may only  
12 disclose the criminal history record information as authorized by law. The school  
13 shall pay the costs for securing the fingerprints, any criminal history record  
14 information made available under this chapter, and for the nationwide criminal  
15 history ~~background~~record check. This subdivision does not apply to the highway  
16 patrol law enforcement training center and enrollees who have a limited license  
17 under section 12-63-09.
- 18 j. The North Dakota public employees retirement board for individuals first  
19 employed by the public employees retirement board after July 31, 2005, who  
20 have unescorted physical access to the office or any security-sensitive area of  
21 the office as designated by the executive director.
- 22 k. The executive director of the retirement and investment office for individuals first  
23 employed by the retirement and investment office after July 31, 2005, who have  
24 unescorted physical access to the office or any security-sensitive area of the  
25 office as designated by the executive director.
- 26 l. The Bank of North Dakota for a final applicant for a specified occupation with the  
27 Bank as designated by the president.
- 28 m. Job service North Dakota for a final applicant for a specified occupation with job  
29 service as designated by the executive director.
- 30 n. The state department of health for a final applicant for or an employee in a  
31 specified occupation with the department as designated by the state health

- 1           officer; an individual being investigated by the department; or, when requested by  
2           the department, an applicant for registration, certification, or licensure by the  
3           department.
- 4           o.    The state board of nursing for applicants, licensees, registrants, or disciplinary  
5           investigations under chapter 43-12.1, except that criminal history record checks  
6           need not be made unless required by the board.
- 7           p.    The state board of pharmacy for applicants or disciplinary investigations under  
8           chapter 43-15 and registrations, or revocation or suspension of registrations,  
9           under chapter 19-03.1, except that criminal history record checks need not be  
10          made unless required by the board.
- 11          q.    The state real estate commission for applicants, licensees, or investigations  
12          under chapter 43-23, except that criminal history record checks need not be  
13          made unless required by the commission.
- 14          r.    The North Dakota board of social work examiners for applicants for initial  
15          licensure or licensees under chapter 43-41, except that criminal history record  
16          checks for licensees need not be made unless required by the board.
- 17          s.    All agencies, departments, bureaus, boards, commissions, or institutions of the  
18          state, including the North Dakota university system, for all employees or final  
19          applicants for employment as a security guard or to otherwise provide security.
- 20          t.    The office of management and budget for each individual who has access to  
21          personal information as designated by the director.
- 22          u.    The department of corrections and rehabilitation for all agents and employees  
23          and a final applicant for employment designated by the director and for each  
24          agent, employee, or a final applicant for employment of a privately operated  
25          entity providing contract correctional services for the department who exercises  
26          direct authority over juveniles, inmates, probationers, or parolees.
- 27          v.    A city, county, or combination of cities or counties that operates a correctional  
28          facility subject to chapter 12-44.1, for each agent and employee and a final  
29          applicant for employment of the correctional facility who has direct contact with or  
30          exercises direct authority over any juvenile or inmate of the correctional facility,  
31          and for each agent, employee, or a final applicant for employment of a privately

- 1 operated entity providing contract correctional services for the correctional facility  
2 who exercises direct authority over juveniles, inmates, probationers, or parolees.
- 3 w. The North Dakota university system for a final applicant for or employee in a  
4 specified position in the university system or a university system institution or for  
5 each student applying for or admitted to a specified program of study, as  
6 designated by the chancellor.
- 7 x. (1) ~~The governing board of a public school or, for a nonpublic school, the~~  
8 ~~superintendent of public instruction~~district, for employees designated by the  
9 ~~governing board or nonpublic school. The governing board or the nonpublic~~  
10 ~~school, provided the board~~ is responsible for paying the costs associated  
11 with obtaining a ~~background~~criminal history record check;
- 12 (2) The board of a multidistrict special education unit, for employees designated  
13 by the board, provided the board is responsible for paying the costs  
14 associated with obtaining a criminal history record check;
- 15 (3) The board of an area career and technology center, for employees  
16 designated by the board, provided the board is responsible for paying the  
17 costs associated with obtaining a criminal history record check;
- 18 (4) The board of a regional education association, for employees designated by  
19 the board, provided the board is responsible for paying the costs associated  
20 with obtaining a criminal history record check; and
- 21 (5) ~~The board~~superintendent of public instruction in the case of a nonpublic  
22 school, for employees designated by the board~~nonpublic school~~, provided  
23 the board~~nonpublic school~~ is responsible for paying the costs associated  
24 with obtaining a criminal history record check.
- 25 y. (1) The governing board of a public school ~~or, for a nonpublic school, the~~  
26 ~~superintendent of public instruction~~district, for a final applicant seeking  
27 employment with the ~~school~~district or otherwise providing services to the  
28 ~~school~~district, if that individual has unsupervised contact with the students,  
29 provided the board is responsible for paying the costs associated with  
30 obtaining a criminal history record check;

- 1           (2) The board of a multidistrict special education unit, for a final applicant  
2           seeking employment with the unit or otherwise providing services to the unit,  
3           if that individual has unsupervised contact with students, provided the board  
4           is responsible for paying the costs associated with obtaining a criminal  
5           history record check;
- 6           (3) The board of an area career and technology center, for a final applicant  
7           seeking employment with the center or otherwise providing services to the  
8           center, if that individual has unsupervised contact with students, provided  
9           the board is responsible for paying the costs associated with obtaining a  
10          criminal history record check;
- 11          (4) The board of a regional education association, for a final applicant seeking  
12          employment with the association or otherwise providing services to the  
13          association if that individual has unsupervised contact with students,  
14          provided the board is responsible for paying the costs associated with  
15          obtaining a criminal history record check; and
- 16          (5) The superintendent of public instruction in the case of a nonpublic school,  
17          for a final applicant seeking employment with the school or otherwise  
18          providing services to the school, if that individual has unsupervised contact  
19          with students, provided the board is responsible for paying the costs  
20          associated with obtaining a criminal history record check.
- 21          (6) For purposes of this subdivision, "unsupervised contact" with students  
22          means being in proximity to one or more students, on school grounds or at  
23          school functions, outside the presence of an individual who has been  
24          subject to a criminal ~~background~~history record check. ~~The governing board~~  
25          ~~or the nonpublic school is responsible for paying the costs associated with~~  
26          ~~obtaining a background check.~~
- 27          z. The racing commission for applicants for licenses under chapter 53-06.2, except  
28          that criminal history record checks need not be made unless required by the  
29          commission.
- 30          aa. A district court for a petition to change a name under chapter 32-28.

- 1           bb. The state board of pharmacy for a wholesale drug distributor seeking licensure  
2                   under chapter 43-15.3.
- 3           cc. The board of dental examiners for investigations of applicants or dentists under  
4                   section 43-28-11.2, except that criminal history record checks need not be made  
5                   unless required by the board.
- 6           dd. The department of financial institutions for each applicant for a specified  
7                   occupation with the department as specified by the commissioner and principal  
8                   owners and managing officers of applicants for a license from the department of  
9                   financial institutions.
- 10          ee. The office of tax commissioner for a final applicant for a specified occupation with  
11                   the tax commissioner as designated by the tax commissioner.
- 12          ff. The state board of examiners for nursing home administrators for applicants for  
13                   licensure or licensees under chapter 43-34, except that criminal history record  
14                   checks for licensees need not be made unless required by the board.
- 15          gg. The marriage and family therapy licensure board for applicants, licensees, or  
16                   investigations under chapter 43-53, except that criminal history record checks  
17                   need not be made unless required by the board.
- 18          hh. The state board of chiropractic examiners for applicants, licensees, or  
19                   investigations under chapter 43-06, except that criminal history record checks  
20                   need not be made unless required by the board.
- 21          ii. Workforce safety and insurance for a final applicant for a specified occupation  
22                   with workforce safety and insurance as designated by the director, or for  
23                   contractors who may have access to confidential information as designated by  
24                   the director.
- 25          jj. The board of counselor examiners for applicants for licensure or licensees under  
26                   chapter 43-47, except that criminal history record checks for licensees need not  
27                   be made unless required by the board.
- 28          kk. The state board of respiratory care for applicants, licensees, or investigations  
29                   under chapter 43-42, except that criminal history record checks need not be  
30                   made unless required by the board.

- 1            ii.    The North Dakota real estate appraiser qualifications and ethics board for  
2                applicants for permits or registration or permittees, registrants, owners, or  
3                controlling persons under chapters 43-23.3 and 43-23.5, except that criminal  
4                history record checks for permittees, registrants, owners, or controlling persons  
5                need not be made unless required by the board.  
6            mm.   The insurance department for criminal history record checks authorized under  
7                chapter 26.1-26.