

Introduced by

Judiciary Committee

(At the request of the Commission on Legal Counsel for Indigents)

1 A BILL for an Act to amend and reenact subsection 2 of section 27-20-54 of the North Dakota
2 Century Code, relating to the destruction of juvenile court records.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 27-20-54 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 2. Upon the final destruction of a file or record, the proceeding must be treated as if it
7 never occurred. The juvenile court shall notify each agency named in the file or record
8 of the destruction. All index references, except those which may be made by the
9 attorney general and the directors of the department of transportation, the department
10 of human services, the department of corrections and rehabilitation, the commission
11 on legal counsel for indigents and its public defender offices, law enforcement
12 agencies, and county social service agencies, must be deleted. Each agency, except
13 the attorney general and the directors of the department of transportation, the
14 department of human services, the department of corrections and rehabilitation, the
15 commission on legal counsel for indigents and its public defender offices, law
16 enforcement agencies, and county social service agencies, upon notification of the
17 destruction of a file or record, shall destroy all files, records, and references to the
18 child's apprehension, detention, and referral to the juvenile court and any record of
19 disposition made by the juvenile court. The attorney general, the department of human
20 services, the department of corrections and rehabilitation, the commission on legal
21 counsel for indigents and its public defender offices, law enforcement agencies, and
22 county social service agencies may not keep a juvenile file or record longer than is
23 required by the records retention policy of that official, department, or agency. Upon
24 inquiry in any matter the child, the court, and representatives of agencies, except the

1 attorney general and the directors of the department of transportation, the department
2 of human services, the department of corrections and rehabilitation, law enforcement
3 agencies, and county social service agencies, shall properly reply that no record exists
4 with respect to the child.