

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1044

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact section 31-13-04 of the North Dakota Century Code,
2 relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an
3 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 31-13-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **31-13-04. DNA testing - Procedure - Immunity.**

- 8 1. Samples of blood or other body fluids for DNA testing may be obtained in a medically
9 approved manner by a physician, registered nurse, licensed practical nurse,
10 phlebotomist, or medical technologist, and packaged and submitted in kits approved or
11 provided by the laboratory and in accordance with rules adopted by the laboratory.
- 12 2. Samples of saliva for DNA testing may be obtained by a licensed peace officer or a
13 correctional officer, and packaged and submitted in kits approved or provided by the
14 laboratory and in accordance with rules adopted by the laboratory. Samples may be
15 collected and submitted by personnel from an agency outside the state with approval
16 of the laboratory.
- 17 3. Civil or criminal liability may not attach to any individual authorized to draw or obtain a
18 sample of blood or other body fluids from any individual for DNA testing if the sample
19 of blood or other body fluids was drawn or obtained according to sampling techniques
20 approved by the laboratory.

21 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.