

HOUSE BILL NO. 1032

Introduced by

Legislative Council

(Criminal Justice Committee)

1 A BILL for an Act to amend and reenact section 27-20-52.1 of the North Dakota Century Code,
2 relating to the law enforcement data base of delinquent juveniles.

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

4 **SECTION 1. AMENDMENT.** Section 27-20-52.1 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **27-20-52.1. Law enforcement data base.**

- 7 1. If a court adjudicates that a child has committed a delinquent act that, if committed
8 by an adult, is defined as a sexual assault under section 12.1-20-07 or is a
9 violation of section 12.1-16-01, 12.1-18-01, 12.1-18-02, 12.1-20-03, or 12.1-20-04
10 or chapter 12.1-17, 12.1-27.2, or 12.1-29, the court shall send written notice of the
11 disposition to the attorney general. The notice must be sent within twenty days of
12 the disposition. The notice must contain the child's name, the child's date of birth,
13 the child's social security number, the child's address, the name and location of the
14 child's school, the names and addresses of the child's parents or guardians, and a
15 copy of the disposition order. The court shall send a copy of any modification to
16 the order to the attorney general within twenty days of the disposition or
17 modification.
- 18 2. If a person who is listed on the data base has a change in name or address, that
19 person shall inform the attorney general in writing, within ten days, of the person's
20 new name or address and shall otherwise comply with address verification
21 procedures as required by the attorney general. The person shall comply with this
22 requirement for ten years after the date of the disposition, or until destruction of the
23 records is ordered by the court, whichever date is earlier. A person listed on the
24 data base who violates this section is guilty of a class A misdemeanor.

- 1 3. Notwithstanding any other provision of law except subsection 4, the attorney
2 general shall release disposition information on file to law enforcement officers for
3 law enforcement purposes and to the department of human services for licensing
4 purposes. The court shall notify the superintendent of the school district and the
5 principal of the school the child attends of the disposition. The school
6 administration shall notify the child's teachers and guidance counselor of this
7 information and shall notify others in similar positions if the child transfers to
8 another learning institution in or outside the state. A law enforcement agency shall
9 disclose to the public relevant and necessary disposition information released by
10 the attorney general if the agency determines that an individual adjudicated of a
11 second delinquent act under subsection 1 is a public risk and disclosure of the
12 disposition information is necessary for public protection.
- 13 4. If the court adjudicates that the delinquent act committed by a child under
14 subsection 1 is a violation of section 12.1-17-01:
- 15 a. That child is not subject to civil or criminal liability under subsection 2;
16 b. The attorney general may not release disposition information on that child
17 under subsection 3; and
18 c. The court may not notify the superintendent of the school district or the
19 principal of the school the child attends.
- 20 5. Subsection 4 does not apply to any adjudication for a violation of section
21 12.1-17-01 if there has been a previous adjudication for any delinquent act under
22 subsection 1.
- 23 6. A law enforcement agency or school district, its officials, and its employees are not
24 subject to civil or criminal liability for disclosing or failing to disclose information as
25 permitted by this section.