

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2300
(Senators W. Stenehjem, Holmberg)
(Representatives DeKrey, Mahoney)

AN ACT to amend and reenact subsection 5 of section 27-20-24 and subsection 6 of section 27-20-51 of the North Dakota Century Code, relating to juvenile court hearings and records; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 27-20-24 of the North Dakota Century Code is amended and reenacted as follows:

5. ~~Except in hearings~~ Hearings are open to the public if the purpose of the hearing is to declare a person in contempt of court, or to consider a petition alleging an offense identified under subdivision b of subsection 1 of section 27-20-34 or subsection 2 of section 27-20-34. The general public must be excluded from ~~other~~ hearings under this chapter. ~~Only~~ In hearings from which the general public is excluded, only the parties, their counsel, witnesses, victims, and other persons accompanying a party for ~~his~~ that person's assistance, and any other persons as the court finds have a proper interest in the proceedings or in the work of the court may be admitted by the court. The court may temporarily exclude the child from the hearing except while allegations of ~~his~~ that child's delinquency or unruly conduct are being heard.

SECTION 2. AMENDMENT. Subsection 6 of section 27-20-51 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information ~~upon request~~ not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. ~~However, upon a third adjudication of delinquency involving an offense which if committed by an adult would constitute a felony and upon a second adjudication of delinquency involving an offense defined in section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, or 12.1-20-07, the name of the juvenile adjudicated delinquent may be disclosed~~ Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20-24.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on June 1, 1999.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

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 Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2300 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 96 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at ___ o'clock _____ M.

Secretary of State