

SENATE BILL NO. 2105

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota
2 Century Code, relating to the files and records of the division of juvenile services; and to amend
3 and reenact section 27-20-51.1 of the North Dakota Century Code, relating to disclosure of
4 information needed to apprehend juveniles.

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

6 **SECTION 1. AMENDMENT.** Section 27-20-51.1 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **27-20-51.1. Disclosure of information needed to apprehend juvenile.**

9 Notwithstanding any other provision of law, the name, photographs, fingerprints, or other
10 identifying information of a juvenile who is alleged to have committed a delinquent act involving
11 actual or threat of serious bodily injury that would constitute a felony if committed by an adult or
12 who has escaped or left without authorization from a secure facility may be released by law
13 enforcement, the division of juvenile services, or the juvenile court for purposes of
14 apprehending the juvenile.

15 **SECTION 2.** A new section to chapter 27-21 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Division of juvenile services files and records confidentiality.**

- 18 1. The files and records of the division of juvenile services relating to a juvenile
19 committed to the division are not public records subject to section 44-04-18 and
20 section 5 of article XI of the Constitution of North Dakota and may not be disclosed
21 directly or indirectly to any person, organization, or agency, except as provided in
22 this section.
- 23 2. Notwithstanding any other provisions of law relating to confidentiality, the division
24 may disclose all or part of a juvenile's files and records, including juvenile court

- 1 orders, medical, psychological, education, and treatment and counseling records,
2 to the follow persons or agencies:
- 3 a. The district court or juvenile court.
4 b. A parent or legal guardian of the juvenile, or their counsel, or the juvenile's
5 counsel, when the juvenile court has committed the juvenile to the custody of
6 the division of juvenile services, and the records are relevant to a proceeding
7 under this chapter or to a placement hearing under section 27-21-02.1, or
8 when disclosure is necessary for the juvenile's treatment and rehabilitation
9 plan. If the juvenile court determines that it is against the best interests of the
10 juvenile to disclose records to a parent or legal guardian, the juvenile court
11 may issue an order prohibiting disclosure and describing the records that may
12 not be disclosed.
- 13 c. An employee or agent of any division of the department of corrections and
14 rehabilitation when necessary to carry out the duties of the department.
- 15 d. The department of human services or a county social service agency.
16 e. A licensed hospital or medical facility, a public or private treatment facility, or a
17 residential care or treatment facility, when necessary for the evaluation,
18 treatment, or care of a juvenile in the custody of the division of juvenile
19 services.
- 20 f. A law enforcement agency when the division has reasonable grounds to
21 believe the juvenile has committed a delinquent act or has threatened to
22 commit a delinquent act involving serious bodily injury, or when the juvenile is
23 required to register, or is registered, under section 12.1-32-15.
- 24 g. A school district or multidistrict special education program in which the
25 juvenile is enrolled.
- 26 h. The office of the attorney general.
27 i. The risk management division of the office of management and budget, and
28 investigators, consultants, or experts retained by the state for the purpose of
29 investigating and defending claims under chapter 32-12.2.
- 30 3. The division may disclose the files and records of a juvenile under subdivision f or
31 g of subsection 1 of section 27-20-51.

- 1 4. The division shall disclose information to the extent necessary to comply with
2 section 12.1-34-02.
- 3 5. In all other cases, records and files of the division of juvenile services relating to a
4 juvenile committed to its custody may only be open to inspection upon written
5 leave of the juvenile court upon a showing in writing of a legitimate interest, but
6 only to the extent necessary to respond to the legitimate interest.