

Introduced by

Senators Bekkedahl, Dever, Hogue

Representatives Boschee, Fehr, K. Koppelman

1 A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code,
2 relating to the duty of a physician to report certain injuries.

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

4 **SECTION 1. AMENDMENT.** Section 43-17-41 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-17-41. Duty of physicians and others to report injury - Penalty.**

- 7 1. Any physician, physician assistant, naturopath licensed under chapter 43-58, or any
8 individual licensed under chapter 43-12.1 who performs any diagnosis or treatment for
9 any individual suffering from any wound, injury, or other physical trauma:
- 10 a. Inflicted by the individual's own act or by the act of another by means of a knife,
11 gun, or pistol shall as soon as practicable report the wound, injury, or trauma to a
12 law enforcement agency in the county in which the care was rendered; or
- 13 b. Which the individual performing diagnosis or treatment has reasonable cause to
14 suspect was inflicted in violation of any criminal law of this state, shall as soon as
15 practicable report the wound, injury, or trauma to a law enforcement agency in
16 the county in which the care was rendered.
- 17 2. The report under subsection 1 must state the name of the injured individual and the
18 character and extent of the individual's injuries, except when the individual's physical
19 injury is the result of a sexual offense, as defined in chapter 12.1-20, in which case the
20 individual's name, address, and any identifying information may not be included in the
21 report without the individual's written release.
- 22 3. When a report of domestic violence, as defined in section 14-07.1-01, or a report of
23 physical injury resulting from a sexual offense, as defined in chapter 12.1-20, is made
24 to a law enforcement agency as required by this section, the injured individual must be

- 1 provided with information regarding a domestic violence sexual assault organization
2 as defined in section 14-07.1-01 or other victims' assistance program by the physician,
3 physician assistant, naturopath, or any individual licensed under chapter 43-12.1,
4 unless it is known that the information has previously been provided to the injured
5 individual.
- 6 4. The reports mandated by this section must be made as soon as practicable and may
7 be either oral or in writing. Oral reports must be followed by written reports within
8 forty-eight hours if so requested by the sheriff or state's attorney to whom the oral
9 report is originally made.
- 10 5. Any individual required to report as provided by this section who willfully fails to do so
11 is guilty of an infraction.
- 12 6. Any individual making or not making a report in good faith pursuant to this section is
13 immune from liability for making or not making a report.