Sixty-fifth Legislative Assembly of North Dakota

## HOUSE BILL NO. 1194

Introduced by

Representatives Klemin, Heinert, K. Koppelman

Senators Hogue, D. Larson

1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota

2 Century Code, relating to providing a victim's rights card; and to amend and reenact

3 subsections 6 and 10 of section 12.1-34-01, and subsections 1, 2, and 6 of section 12.1-34-02,

4 <u>and subsection 1 of section 12.1-34-06</u> of the North Dakota Century Code, relating to treatment

5 standards for victims.

## 6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7	SECTION 1. AMENDMENT. Subsections 6 and 10 of section 12.1-34-01 of the North			
8	Dakota	Century Code are amended and reenacted as follows:		
9	6.	"Family member" includes a spouse, child, sibling, parent, grandparent, grandchild,		
10		legal guardian, or custodian of a victim, and any person with a relationship to the		
11		victim which is substantially similar to a relationship specified in this section.		
12	10.	"Victim" means a natural person who has suffered direct or threatened physical,		
13		financial, or emotionalpsychological harm where there is probable cause to believe		
14		that the harm has been caused by the commission of a criminal actas the result of the		
15		commission or attempted commission of a crime or delinquent act or against whom		
16		the crime or delinquent act is committed. The term "victim" includes the family		
17		members of a minor, incompetent, incapacitated, or deceased person. The term		
18		"victim" does not include the accused or a person whom the court finds would not act		
19		in the best interests of a deceased, incompetent, minor, or incapacitated victim.		
20	SEC	CTION 2. AMENDMENT. Subsections 1, 2, and 6 of section 12.1-34-02 of the North		
21	Dakota	Century Code are amended and reenacted as follows:		
22	1.	Informed by those entities that have contact with the victim or witness as to the		
23		availability of and the methods available for registration with the statewide automated		

24 victim information and notification system. Those entities include law enforcement,

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2       clearly objects to registration may not be required to register with the system or must         3       be able to opt out of the system. A victim has the right to:         4       a. Prevent the disclosure of confidential or privileged information about the victim or         5       the victim's family; and         6       b. Be notified of any request for identifying information or confidential or privileged.         7       information about the victim or victim's family.         8       2.       Informed as to status of investigation. Victims and witnesses, upon request, must be         9       informed by law enforcement authorities investigating a criminal case of the status of         10       the investigation, except where the prosecuting attorney or law enforcement authority         11       determines that to disclose such information would unreasonably interfere with the         12       investigation is closed. A victim, upon request, must be allowed to confer with the.         14       prosecuting attorney.         15       6.       Services available. Victims and witnesses must be informed by the prosecuting         16       attorney and arresting law enforcement agency of all appropriate and available public         17       or private programs that provide counseling, treatment, or support for victims and         18       witnesses, including rape crisis centers, victim and witness assistance programs, <th>1</th> <th></th> <th>pros</th> <th>secuting attorneys, the courts, and custodial authorities. A victim or witness who</th>	1		pros	secuting attorneys, the courts, and custodial authorities. A victim or witness who			
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<ul> <li>30 b. Notify a registered victim by telephone, mailtext message, or electronic mail in</li> </ul>	28		a.	Permit a victim to register or update the victim's registration information for the			
	29			system by calling a toll-free telephone number or accessing a public website.			
31 accordance with this chapter.	30		b.	Notify a registered victim by telephone, mailtext message, or electronic mail in			
	31			accordance with this chapter.			

1	С.	Notify a registered victim by telephone, mailtext message, or electronic mail				
2		when the offender has a scheduled court proceeding, a parole review, or a				
3		change in the status of the offender's parole or probation status, including a				
4		change in the offender's address.				
5	d.	Notify a registered victim by telephone, mailtext message, or electronic mail				
6		when a protective order requested by the victim has been served upon the				
7		respondent.				
8	e.	Permit a victim to receive a status report for an offender under the supervision or				
9		in the custody of the department of corrections and rehabilitation or other				
10		correctional facility by calling the system on a toll-free telephone number or by				
11		accessing the system through a public website.				
12	SECTION 4. A new section to chapter 12.1-34 of the North Dakota Century Code is created					
13	and enacted as follows:					
14	Victim's rights card.					
15	The attorney general shall develop a card containing the rights of victims as provided in this					
16	chapter and section 2625 of article I of the Constitution of North Dakota to be distributed to all					
17	crime victims	crime victims.				