

SENATE BILL NO. 2131

Introduced by

Senators Lee, Hogan, K. Roers

Representatives Hatlestad, Roers Jones, Westlind

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of
2 the North Dakota Century Code, relating to criminal history record checks requested by the
3 department of human services; and to amend and reenact section 50-25.1-11.1 of the North
4 Dakota Century Code, relating to powers of the department of human services regarding
5 requests for criminal history record checks made by children's advocacy centers.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota
8 Century Code is created and enacted as follows:

9 The department of human services for a criminal history record check for a
10 children's advocacy center as authorized under section 50-25.1-11.1.

11 **SECTION 2. AMENDMENT.** Section 50-25.1-11.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-25.1-11.1. Confidentiality of children's ~~Children's advocacy center~~ centers -**
14 **Confidentiality of records - Criminal history record checks.**

15 1. Records and digital media in the possession of a children's advocacy center relating to
16 a forensic medical examination, forensic interview, or therapy are confidential and may
17 be released only to a person other than a law enforcement agency, the department or
18 the department's authorized agent, or a medical or mental health professional when
19 the child comes before the medical or mental health professional in that person's
20 professional capacity, upon service of a subpoena signed by a judge.

21 2. Upon receipt of a request by a children's advocacy center, the department may submit
22 a request for a criminal history record check under section 12-60-24. Under this
23 subsection, a children's advocacy center may require the following individuals to
24 submit to a criminal history record check:

- 1 a. An employee, final applicant for employment, contractor, multidisciplinary team
- 2 member, or volunteer, who has contact with a child at or through a children's
- 3 advocacy center; and
- 4 b. An individual a children's advocacy center determines requires a criminal history
- 5 record check to participate in services at a center.