

SENATE BILL NO. 2322

Introduced by

Senators Kreun, Hogue, Klein, Lee

Representatives Nathe, O'Brien

1 A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota
2 Century Code, relating to state employee claims for wrongful criminal investigation or
3 prosecution; to provide for retroactive application; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 32-12.2 of the North Dakota Century Code is created
6 and enacted as follows:

7 **State employee claims for wrongful criminal investigation or prosecution.**

8 1. The director of the office of management and budget shall pay from the risk
9 management fund the reasonable and necessary costs incurred by a state employee
10 as a result of a criminal investigation in which the state employee was acting within the
11 course and scope of the employee's employment and the investigation did not result in
12 criminal charges.

13 2. The attorney general may direct the director of the office of management and budget
14 to pay from the risk management fund the reasonable and necessary costs incurred
15 by a state employee if, as a result of a criminal investigation and prosecution in which
16 the state employee was acting within the course and scope of the employee's
17 employment, criminal charges against the employee were dismissed or the employee
18 was acquitted of any wrongdoing.

19 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to investigations
20 arising after January 1, 2019.

21 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.