

SENATE BILL NO. 2108

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact subsection 3 of section 12-47-36 of the North Dakota
2 Century Code, relating to exceptions to exempt and confidential records.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 12-47-36 of the North Dakota Century
5 Code is amended and reenacted as follows:

- 6 3. Notwithstanding any other provisions of law relating to privilege or confidentiality,
7 except for the confidentiality requirements of federal drug and alcohol treatment and
8 rehabilitation laws, the following persons, organizations, or agencies without prior
9 application to the court may inspect case history, medical, psychological, or treatment
10 records:
- 11 a. The governor;
 - 12 b. The pardon advisory board, if the governor has appointed a pardon advisory
13 board;
 - 14 c. The parole board;
 - 15 d. Any division, department, official, or employee of the department of corrections
16 and rehabilitation;
 - 17 e. Another state receiving a parolee or probationer under the provisions of chapter
18 12-65;
 - 19 f. A federal, state, regional, or county correctional facility receiving physical custody
20 of a person under the legal custody of the department of corrections and
21 rehabilitation;
 - 22 g. The employees in the office of the attorney general and investigators,
23 consultants, or experts retained by the state;

- 1 h. The risk management division of the office of management and budget for the
2 purpose of investigating and defending actions or claims under chapter 32-12.2;
- 3 i. The district court of the county where the judgment of conviction was entered;
- 4 j. A state or federal court where a person who is or was in the custody or under the
5 supervision and management of the adult services division of the department of
6 corrections and rehabilitation has commenced litigation and, the parties, their
7 counsel, and representatives of the parties in proceedings, if the records are
8 relevant to the litigation and the subject of the records has signed an
9 authorization;
- 10 k. A criminal justice agency as defined in section 44-04-18.7; or
- 11 l. The United States social security administration and veterans administration; or
- 12 m. A state, federal, or tribal agency that evaluates sex offenders for civil commitment
13 or assesses sex offender risk level for registration.