

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; and to declare  
6 an emergency.

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

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

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

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

14 **50-25.1-11.1. Confidentiality of children's Children's advocacy centercenters -**

15 **Confidentiality of records - Criminal history record checks.**

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

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

1           subsection, a children's advocacy center may require the following individuals to  
2           submit to a criminal history record check:

3           a. An employee, final applicant for employment, contractor, multidisciplinary team  
4           member, or volunteer, who has contact with a child at or through a children's  
5           advocacy center; and

6           b. An individual a children's advocacy center determines requires a criminal history  
7           record check to participate in services at a center.

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