## Sixty-seventh Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 5, 2021

SENATE BILL NO. 2108
(Judiciary Committee)
(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact subsection 3 of section 12-47-36 of the North Dakota Century Code, relating to exceptions to exempt and confidential records.

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

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

- 3. Notwithstanding any other provisions of law relating to privilege or confidentiality, except for the confidentiality requirements of federal drug and alcohol treatment and rehabilitation laws, the following persons, organizations, or agencies without prior application to the court may inspect case history, medical, psychological, or treatment records:
  - a. The governor;
  - b. The pardon advisory board, if the governor has appointed a pardon advisory board;
  - c. The parole board;
  - d. Any division, department, official, or employee of the department of corrections and rehabilitation;
  - e. Another state receiving a parolee or probationer under the provisions of chapter 12-65;
  - f. A federal, state, regional, or county correctional facility receiving physical custody of a person under the legal custody of the department of corrections and rehabilitation;
  - g. The employees in the office of the attorney general and investigators, consultants, or experts retained by the state;
  - h. The risk management division of the office of management and budget for the purpose of investigating and defending actions or claims under chapter 32-12.2;
  - i. The district court of the county where the judgment of conviction was entered;
  - j. A state or federal court where a person who is or was in the custody or under the supervision and management of the adult services division of the department of corrections and rehabilitation has commenced litigation and, the parties, their counsel, and representatives of the parties in proceedings, if the records are relevant to the litigation and the subject of the records has signed an authorization;
  - k. A criminal justice agency as defined in section 44-04-18.7; or
  - I. The United States social security administration and veterans administration; or
  - m. A state, federal, or tribal agency that evaluates sex offenders for civil commitment or assesses sex offender risk level for registration.

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	Preside	ent of the Senate	S	Speaker of the House		
	Secreta	ary of the Senate	<u>C</u>	Chief Clerk of the House		
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Senate Vote:	Yeas 47	Nays 0	Absent 0			
House Vote:	Yeas 92	Nays 0	Absent 1			
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Filed in this offi	ice this	day of			2021	
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