

Introduced by

Political Subdivisions Committee

(At the request of the Information Technology Department)

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-34-02 and section  
2 12.1-34-06 of the North Dakota Century Code, relating to the statewide automated victim  
3 information and notification system.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-34-02 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 1. Informed by those entities that have contact with the victim or witness as to the  
8 availability of and the methods available for registration with the statewide automated  
9 victim information and notification system. Those entities include law enforcement,  
10 prosecuting attorneys, the courts, and custodial authorities. A victim or witness who  
11 clearly objects to registration may not be required to register with the system or must  
12 be able to opt out of the system.

13 **SECTION 2. AMENDMENT.** Section 12.1-34-06 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **12.1-34-06. Statewide automated victim information and notification system.**

16 1. The information technology department may establish a statewide automated victim  
17 information and notification system that must:  
18 a. Permit a victim to register or update the victim's registration information for the  
19 system by calling a toll-free telephone number or accessing a public website.  
20 b. Notify a registered victim by telephone, mail, or e-mail in accordance with this  
21 chapter.  
22 c. Notify a registered victim by telephone, mail, or e-mail when the offender has a  
23 scheduled court proceeding, a parole or pardon review, or a change in the status

1                   of the offender's parole or probation status, including a change in the offender's  
2                   address.

3           d. ~~Notify a registered victim by telephone, mail, or e-mail when a registered sexual-~~  
4           ~~offender has updated the offender's registration information or failed to comply-~~  
5           ~~with any registration requirement.~~

6           e. Notify a registered victim by telephone, mail, or e-mail when a protective order  
7           requested by the victim has been served upon the respondent.

8           f.e. Permit a victim to receive a status report for an offender under the supervision or  
9           in the custody of the department of corrections and rehabilitation or other  
10           correctional facility ~~or for a registered sexual offender~~ by calling the system on a  
11           toll-free telephone number or by accessing the system through a public website.

12           2. ~~If a statewide automated victim information and notification system is established,~~  
13           ~~the~~The provision of offender and case data on a timely basis to the automated victim  
14           information and notification system satisfies any obligation under this chapter to notify  
15           a registered victim of an offender's custody and the status of the offender's scheduled  
16           court proceedings.

17           3. ~~If a statewide automated victim information and notification system is established,~~  
18           ~~the~~The user agency shall ensure that an offender's information contained in the  
19           system is updated to timely notify a victim that an offender has been released or  
20           discharged or has escaped. The failure of the system to provide notice to the victim  
21           does not establish a cause of action by the victim against the state or any custodial  
22           authority.

23           4. All affected entities, including custodial authorities, prosecuting attorneys, law  
24           enforcement agencies, courts, the attorney general's office, ~~the pardon board,~~ and the  
25           parole clerk, shall cooperate with the system operator in establishing and maintaining  
26           the statewide automated victim information and notification system.