

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2131

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; to amend and reenact section 50-25.1-11.1 of the North Dakota
4 Century Code, relating to powers of the department of human services regarding requests for
5 criminal history record checks made by children's advocacy centers; and to declare an
6 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.