

SENATE BILL NO. 2131

Introduced by

Senators Myrdal, Larson, Luick

Representatives Cory, Karls, Klemin

1 A BILL for an Act to amend and reenact section 54-12-24 of the North Dakota Century Code,
2 relating to the state crime laboratory.

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

4 **SECTION 1. AMENDMENT.** Section 54-12-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-12-24. State crime laboratory division.**

- 7 1. A state crime laboratory is created as a division of the office of the attorney general.
8 This division consists of a director, the state toxicologist, and such other personnel as
9 may be appointed by the attorney general. The state crime laboratory may establish
10 and charge fees for services rendered. ~~The state crime laboratory must be~~
11 ~~administratively separated from the bureau of criminal investigation.~~ The director
12 serves at the pleasure of the attorney general and is entitled to receive a salary set by
13 the attorney general within the limits of legislative appropriation.
- 14 2. The state crime laboratory shall employ the services of a qualified toxicologist who
15 must be the state toxicologist. The attorney general shall appoint the state toxicologist.
16 The attorney general may appoint such qualified deputy state toxicologists as may be
17 necessary to exercise the authority and responsibility prescribed by law for the state
18 toxicologist. The results of toxicological or chemical testing or analysis, other than
19 provided for in section 39-20-13, made by the state toxicologist at the request of law
20 enforcement agencies for criminal investigation may not be disclosed directly or
21 indirectly by the state toxicologist or any agent or employee of the attorney general to
22 anyone other than the person or agency requesting the test or analysis or to any other
23 person upon whom the toxicological or chemical test was performed or the person's
24 authorized representative, except the state toxicologist may permit the inspection of

- 1 the reports of any such test or analysis results by any other person having a proper
2 interest therein as determined by the director of the state crime laboratory.
- 3 3. Upon the request of the state forensic examiner, any state's attorney, sheriff, chief of
4 police, coroner, or other local, state, or federal law enforcement official, the attorney
5 general may make available to the requesting official the state crime laboratory's
6 facilities and personnel to assist in the investigation or detection of crimes and the
7 apprehension or prosecution of criminals.