

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

SENATE BILL NO. 2131
(Senators Lee, Hogan, K. Roers)
(Representatives Hatlestad, Roers Jones, Westlind)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks requested by the department of human services; to amend and reenact section 50-25.1-11.1 of the North Dakota Century Code, relating to powers of the department of human services regarding requests for criminal history record checks made by children's advocacy centers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

50-25.1-11.1. Confidentiality of children's advocacy center centers - Confidentiality of records - Criminal history record checks.

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and may be released only to a person other than a law enforcement agency, the department or the department's authorized agent, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. Upon receipt of a request by a children's advocacy center, the department may submit a request for a criminal history record check under section 12-60-24. Under this subsection, a children's advocacy center may require the following individuals to submit to a criminal history record check:
 - a. An employee, final applicant for employment, contractor, multidisciplinary team member, or volunteer, who has contact with a child at or through a children's advocacy center; and
 - b. An individual a children's advocacy center determines requires a criminal history record check to participate in services at a center.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2131 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 38 Nays 9 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 85 Nays 7 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State