# Sixty-fourth Legislative Assembly of North Dakota
# In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2145
(Senators Davison, Luick, Oban, Poolman)
(Representatives P. Anderson, Beadle)

AN ACT to amend and reenact subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:

   a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.

   b. The agriculture commissioner for each applicant for a license to grow or process industrial hemp under section 4-41-02.

   c. The education standards and practices board for initial, reentry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.

   d. The medical examiners board for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.

   e. The private investigative and security board for licenses or registrations under section 43-30-06.

   f. The department of human services for foster care licenses and approvals under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.

   g. The department of human services for criminal history record checks authorized under section 50-06-01.9.

   h. The chief information officer of the information technology department for certain individuals under section 54-59-20.

   i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history ~~background~~record check. This

subdivision does not apply to the highway patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.

j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.

k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.

l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.

m. Job service North Dakota for a final applicant for a specified occupation with job service as designated by the executive director.

n. The state department of health for a final applicant for or an employee in a specified occupation with the department as designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for registration, certification, or licensure by the department.

o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.

p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.

q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.

r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history record checks for licensees need not be made unless required by the board.

s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.

t. The office of management and budget for each individual who has access to personal information as designated by the director.

u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.

v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent,

employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.

w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.

x. (1) The ~~governing~~ board of a ~~public~~ school ~~or, for a nonpublic school, the superintendent of public instruction~~district, for employees designated by the ~~governing~~ board ~~or nonpublic school. The governing board or the nonpublic school~~, provided the board is responsible for paying the costs associated with obtaining a ~~background~~criminal history record check;

(2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

(3) The board of an area career and technology center, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

(4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and

(5) The superintendent of public instruction in the case of a nonpublic school, for employees designated by the nonpublic school, provided the nonpublic school is responsible for paying the costs associated with obtaining a criminal history record check.

y. (1) The ~~governing~~ board of a ~~public~~ school ~~or, for a nonpublic school, the superintendent of public instruction~~district, for a final applicant seeking employment with the ~~school~~district or otherwise providing services to the ~~school~~district, if that individual has unsupervised contact with ~~the~~ students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

(2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

(3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;

(4) The board of a regional education association, for a final applicant seeking employment with the association or otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and

(5) The superintendent of public instruction in the case of a nonpublic school, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board

is responsible for paying the costs associated with obtaining a criminal history record check.

(6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal ~~background~~history record check. ~~The governing board or the nonpublic school is responsible for paying the costs associated with obtaining a background check.~~

z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.

aa. A district court for a petition to change a name under chapter 32-28.

bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.

cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.

dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.

ee. The office of tax commissioner for a final applicant for a specified occupation with the tax commissioner as designated by the tax commissioner.

ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.

gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal history record checks need not be made unless required by the board.

hh. The state board of chiropractic examiners for applicants, licensees, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.

ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.

jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record checks for licensees need not be made unless required by the board.

kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.

ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.

mm. The insurance department for criminal history record checks authorized under chapter 26.1-26.

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| 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-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2145.

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| Senate Vote: | Yeas 47 | Nays 0 | Absent 0 |
| House Vote: | Yeas 87 | Nays 1 | Absent 6 |

Secretary of the Senate

Received by the Governor at _____M. on _____, 2015.

Approved at _____M. on _____, 2015.

Governor

Filed in this office this _____day of _____, 2015,

at _____ o'clock _____M.

Secretary of State