

**SENATE BILL NO. 2161
with House Amendments
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Sixty-fifth
Legislative Assembly
of North Dakota

Introduced by

Senators Bekkedahl, Kannianen, Oehlke

Representatives Lefor, Sukut, Zubke

1 A BILL for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code,
2 relating to domestic violence program records.

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

4 **SECTION 1. AMENDMENT.** Section 14-07.1-18 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-07.1-18. Domestic violence or sexual assault program records - Confidentiality -**
7 **Exceptions - Penalty.**

- 8 1. All agents, employees, and volunteers participating in a domestic violence or sexual
9 assault program shall maintain the confidentiality of the:
- 10 a. Address, telephone number, and other identifying information of a shelter, safe
11 home, and place of emergency safe housing;
- 12 b. Name, address, telephone number, personally identifying information, and case
13 file or history of any client receiving services from a domestic violence or sexual
14 assault program; and
- 15 c. Name, address, telephone number, and other identifying information of an agent,
16 employee, or volunteer providing services under a domestic violence or sexual
17 assault program.
- 18 2. The information described in subsection 1 is not subject to section 44-04-18 and may
19 not be disclosed unless:
- 20 a. A client consents to the release of information that relates only to that client or the
21 client's dependents;
- 22 b. The agent, employee, or volunteer operating a domestic violence or sexual
23 assault program determines the disclosure of the information necessary for the
24 efficient and safe operation of a domestic violence or sexual assault program; or

- 1 for the protection of the safety of an employee, agent, volunteer, or client of a
2 domestic violence or sexual assault program; or for the protection of a third party
3 reasonably thought to be in need of protection;
- 4 c. A court of competent jurisdiction orders the disclosure after an in camera review
5 and a written finding by the court that the information directly and specifically
6 relates to a determination of child abuse and neglect under chapter 50-25.1 or
7 termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45,
8 27-20-46, 27-20-47, and 27-20-48; or
- 9 d. An agent, employee, or volunteer working with a domestic violence or sexual
10 assault program has knowledge or reasonable cause to suspect a child has been
11 abused or neglected as defined by section 50-25.1-02.
- 12 3. The address, telephone number, and other identifying information of a shelter are
13 exempt records as defined in section 44-04-17.1.
- 14 4. Any person who violates this section is guilty of an infraction.