

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2348

Introduced by

Legislative Management

(Joint Technical Corrections Committee)

1 A BILL for an Act to create and enact section 23-27-06 of the North Dakota Century Code,  
2 relating to criminal history record checks; to amend and reenact sections 12-60-24 and  
3 50-06-41.3 of the North Dakota Century Code, relating to criminal history records checks and  
4 the behavioral health bed management system; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 12-60-24 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12-60-24. Criminal history record checks. (Effective through August 31, 2022)**

- 9 1. a. Each applicant, employee, or petitioner for adoption or name change who is  
10 subject to a criminal history record check under subsection 2 shall consent to a  
11 statewide and nationwide criminal history record check for the purpose of  
12 determining suitability or fitness for a permit, license, registration, employment, or  
13 adoption.
- 14 b. Each applicant, employee, registrant, or petitioner for adoption or name change  
15 subject to a criminal history record check shall provide to the requesting agency  
16 or entity written consent to conduct the check and to release or disclose the  
17 information in accordance with state and federal law, two sets of fingerprints from  
18 a law enforcement agency or other local agency authorized to take fingerprints,  
19 any other identifying information requested, and a statement indicating whether  
20 the applicant or employee has ever been convicted of a crime.
- 21 c. The agency, official, or entity shall submit these fingerprints to the bureau of  
22 criminal investigation for nationwide criminal history record information that  
23 includes resubmission of the fingerprints by the bureau of criminal investigation to  
24 the federal bureau of investigation. Except if otherwise provided by law, federal

1 bureau of investigation criminal history record information obtained by an agency  
2 or entity is confidential. For a request for nationwide criminal history record  
3 information made under this section, the bureau of criminal investigation is the  
4 sole source to receive the fingerprint submissions and responses from the federal  
5 bureau of investigation. A person who takes fingerprints under this section may  
6 charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise  
7 provided by law, the bureau of criminal investigation may charge appropriate fees  
8 for criminal history information.

9 d. Fingerprints and any other identifying information the bureau has obtained under  
10 this section may be retained by the bureau and the federal bureau of  
11 investigation at the request of the agency, official, or entity submitting the  
12 fingerprints and any other identifying information for a statewide and nationwide  
13 criminal history record check. The subject of the records must be provided notice  
14 of the retention of the fingerprints and any other identifying information. The  
15 bureau may provide to each agency, official, or entity listed in subsection 2 of this  
16 section the response of the bureau and the federal bureau of investigation any  
17 statewide criminal history record information that may lawfully be made available  
18 under this chapter.

19 e. The bureau may provide the results of a criminal history background check made  
20 under subsection 2 of this section to another state's identification bureau or  
21 central repository for the collection, maintenance, and dissemination of criminal  
22 history record information when the other state's identification bureau or central  
23 repository has requested the results of the criminal history background check and  
24 the agency, official, or entity of the other state has equivalent authority to  
25 subsection 2 of this section to request a statewide and nationwide criminal history  
26 check.

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

- 1           a. The governing body of a city or a county, by ordinance or resolution, for a final  
2           applicant for a specified occupation with the city or county.
- 3           b. The agriculture commissioner for each applicant for a license to grow or process  
4           hemp under section 4.1-18.1-02.
- 5           c. The education standards and practices board for initial, re-entry, and reciprocal  
6           teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance  
7           and counseling services under section 15.1-13-23.
- 8           d. The North Dakota board of medicine for licenses or disciplinary investigations  
9           under section 43-17-07.1, except that criminal history record checks need not be  
10          made unless required by the board.
- 11          e. The private investigative and security board for licenses or registrations under  
12          section 43-30-06.
- 13          f. The department of human services for foster care licenses, approvals, and  
14          identified relatives under chapter 50-11, appointments of legal guardians under  
15          chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the  
16          criminal history record investigation must be conducted in accordance with those  
17          chapters. A criminal history record investigation completed under chapter 50-11,  
18          50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history  
19          record investigation under either of the other two chapters.
- 20          g. The department of human services for criminal history record checks authorized  
21          under section 50-06-01.9.
- 22          h. The chief information officer of the information technology department for certain  
23          individuals under section 54-59-20.
- 24          i. A public peace officer training school that has been approved by the peace officer  
25          standards and training board for enrollees in the school. The school may only  
26          disclose the criminal history record information as authorized by law. The school  
27          shall pay the costs for securing the fingerprints, any criminal history record  
28          information made available under this chapter, and for the nationwide criminal  
29          history record check. This subdivision does not apply to the highway patrol law  
30          enforcement training center and enrollees who have a limited license under  
31          section 12-63-09.

- 1           j. The North Dakota public employees retirement board for individuals first  
2           employed by the public employees retirement board after July 31, 2005, who  
3           have unescorted physical access to the office or any security-sensitive area of  
4           the office as designated by the executive director.
- 5           k. The executive director of the retirement and investment office for individuals first  
6           employed by the retirement and investment office after July 31, 2005, who have  
7           unescorted physical access to the office or any security-sensitive area of the  
8           office as designated by the executive director.
- 9           l. The Bank of North Dakota for a final applicant for a specified occupation with the  
10          Bank as designated by the president.
- 11          m. Job service North Dakota for all employees, final applicants for employment with  
12          job service, and contractors with access to federal tax information.
- 13          n. The state department of health for a final applicant for a job opening or a current  
14          employee with the department as designated by the state health officer; an  
15          individual being investigated by the department; or, when requested by the  
16          department, an applicant for registration as a designated caregiver or a  
17          compassion center agent under chapter 19-24.1.
- 18          o. The state board of nursing for applicants, licensees, registrants, or disciplinary  
19          investigations under chapter 43-12.1, except that criminal history record checks  
20          need not be made unless required by the board.
- 21          p. The state board of pharmacy for applicants or disciplinary investigations under  
22          chapter 43-15 and registrations, or revocation or suspension of registrations,  
23          under chapter 19-03.1, except that criminal history record checks need not be  
24          made unless required by the board.
- 25          q. The state real estate commission for applicants, licensees, or investigations  
26          under chapter 43-23, except that criminal history record checks need not be  
27          made unless required by the commission.
- 28          r. The North Dakota board of social work examiners for applicants for initial  
29          licensure or licensees under chapter 43-41, except that criminal history record  
30          checks for licensees need not be made unless required by the board.

- 1           s. All agencies, departments, bureaus, boards, commissions, or institutions of the  
2           state, including the North Dakota university system, for all employees or final  
3           applicants for employment as a security guard or to otherwise provide security.
- 4           t. The office of management and budget for each individual who has access to  
5           personal information as designated by the director.
- 6           u. The department of corrections and rehabilitation for all agents and employees  
7           and a final applicant for employment designated by the director and for each  
8           agent, employee, or a final applicant for employment of a privately operated  
9           entity providing contract correctional services for the department who exercises  
10          direct authority over juveniles, inmates, probationers, or parolees.
- 11          v. A city, county, or combination of cities or counties that operates a correctional  
12          facility subject to chapter 12-44.1, for each agent and employee and a final  
13          applicant for employment of the correctional facility who has direct contact with or  
14          exercises direct authority over any juvenile or inmate of the correctional facility,  
15          and for each agent, employee, or a final applicant for employment of a privately  
16          operated entity providing contract correctional services for the correctional facility  
17          who exercises direct authority over juveniles, inmates, probationers, or parolees.
- 18          w. The North Dakota university system for a final applicant for or employee in a  
19          specified position in the university system or a university system institution or for  
20          each student applying for or admitted to a specified program of study, as  
21          designated by the chancellor.
- 22          x. (1) The board of a school district, for employees designated by the board,  
23             provided the board is responsible for paying the costs associated with  
24             obtaining a criminal history record check;
- 25             (2) The board of a multidistrict special education unit, for employees designated  
26             by the board, provided the board is responsible for paying the costs  
27             associated with obtaining a criminal history record check;
- 28             (3) The board of an area career and technology center, for employees  
29             designated by the board, provided the board is responsible for paying the  
30             costs associated with obtaining a criminal history record check;

- 1                   (4) The board of a regional education association, for employees designated by  
2                   the board, provided the board is responsible for paying the costs associated  
3                   with obtaining a criminal history record check; and
- 4                   (5) The superintendent of public instruction in the case of a nonpublic school or  
5                   a state school with a superintendent appointed by or reporting to the  
6                   superintendent of public instruction, for employees designated by the  
7                   nonpublic or state school, provided the nonpublic or state school is  
8                   responsible for paying the costs associated with obtaining a criminal history  
9                   record check.
- 10                y. (1) The board of a school district, for a final applicant seeking employment with  
11                the district or otherwise providing services to the district, if that individual  
12                has unsupervised contact with students, provided the board is responsible  
13                for paying the costs associated with obtaining a criminal history record  
14                check;
- 15                (2) The board of a multidistrict special education unit, for a final applicant  
16                seeking employment with the unit or otherwise providing services to the unit,  
17                if that individual has unsupervised contact with students, provided the board  
18                is responsible for paying the costs associated with obtaining a criminal  
19                history record check;
- 20                (3) The board of an area career and technology center, for a final applicant  
21                seeking employment with the center or otherwise providing services to the  
22                center, if that individual has unsupervised contact with students, provided  
23                the board is responsible for paying the costs associated with obtaining a  
24                criminal history record check;
- 25                (4) The board of a regional education association, for a final applicant seeking  
26                employment with the association or otherwise providing services to the  
27                association if that individual has unsupervised contact with students,  
28                provided the board is responsible for paying the costs associated with  
29                obtaining a criminal history record check; and
- 30                (5) The superintendent of public instruction in the case of a nonpublic school or  
31                a state school with a superintendent appointed by or reporting to the

- 1 superintendent of public instruction, for a final applicant seeking  
2 employment with the school or otherwise providing services to the school, if  
3 that individual has unsupervised contact with students, provided the board is  
4 responsible for paying the costs associated with obtaining a criminal history  
5 record check.
- 6 (6) For purposes of this subdivision, "unsupervised contact" with students  
7 means being in proximity to one or more students, on school grounds or at  
8 school functions, outside the presence of an individual who has been  
9 subject to a criminal history record check.
- 10 z. The racing commission for applicants for licenses under chapter 53-06.2, except  
11 that criminal history record checks need not be made unless required by the  
12 commission.
- 13 aa. A district court for a petition to change a name under chapter 32-28.
- 14 bb. The state board of pharmacy for a wholesale drug distributor seeking licensure  
15 under chapter 43-15.3.
- 16 cc. The board of dental examiners for investigations of applicants or dentists under  
17 section 43-28-11.2, except that criminal history record checks need not be made  
18 unless required by the board.
- 19 dd. The department of financial institutions for each applicant for a specified  
20 occupation with the department as specified by the commissioner and principal  
21 owners and managing officers of applicants for a license from the department of  
22 financial institutions.
- 23 ee. The office of tax commissioner for all employees, final applicants for employment  
24 with the tax commissioner, and contractors with access to federal tax information.
- 25 ff. The state board of examiners for nursing home administrators for applicants for  
26 licensure or licensees under chapter 43-34, except that criminal history record  
27 checks for licensees need not be made unless required by the board.
- 28 gg. The marriage and family therapy licensure board for applicants, licensees, or  
29 investigations under chapter 43-53, except that criminal history record checks  
30 need not be made unless required by the board.

- 1           hh.   The state board of chiropractic examiners for applicants, licensees, certificates,  
2                    or investigations under chapter 43-06, except that criminal history record checks  
3                    need not be made unless required by the board.
- 4           ii.   Workforce safety and insurance for a final applicant for a specified occupation  
5                    with workforce safety and insurance as designated by the director, or for  
6                    contractors who may have access to confidential information as designated by  
7                    the director.
- 8           jj.   The board of counselor examiners for applicants for licensure or licensees under  
9                    chapter 43-47, except that criminal history record checks for licensees need not  
10                  be made unless required by the board.
- 11          kk.   The state board of respiratory care for applicants, licensees, or investigations  
12                    under chapter 43-42, except that criminal history record checks need not be  
13                    made unless required by the board.
- 14          ll.   The North Dakota real estate appraiser qualifications and ethics board for  
15                    applicants for permits or registration or permittees, registrants, owners, or  
16                    controlling persons under chapters 43-23.3 and 43-23.5, except that criminal  
17                    history record checks for permittees, registrants, owners, or controlling persons  
18                    need not be made unless required by the board.
- 19          mm.   The insurance department for criminal history record checks authorized under  
20                    chapters 26.1-26 and 26.1-26.8.
- 21          nn.   The office of the adjutant general for employees and volunteers working with the  
22                    recruiting and retention, sexual assault, and youth programs.
- 23          oo.   The parks and recreation department for volunteers and final applicants for  
24                    employment, as determined by the director of the parks and recreation  
25                    department.
- 26          pp.   The North Dakota medical imaging and radiation therapy board of examiners for  
27                    licensure and licensees under chapter 43-62, except that criminal history record  
28                    checks for licensees need not be made unless required by the board.
- 29          qq.   The game and fish department for volunteers and final applicants for  
30                    employment, as determined by the director of the game and fish department.



- 1 rr. The North Dakota board of massage for applicants, licensees, or investigations  
2 under chapter 43-25.
- 3 ss. The North Dakota board of physical therapy for physical therapist and physical  
4 therapist assistant applicants and for licensees under investigation, except that  
5 criminal history record checks need not be made unless required by the board.
- 6 tt. The department of commerce for volunteers and employees providing services  
7 through eligible organizations, as determined by the commissioner of commerce.
- 8 uu. The state court administrator for a guardian ad litem who provides direct services  
9 to youth.
- 10 vv. The department of environmental quality for a final applicant for a job opening or  
11 a current employee with the department; an individual being investigated by the  
12 department; or, when requested by the department, an applicant for a radioactive  
13 materials license under chapter 23.1-03 or a solid waste permit under chapter  
14 23.1-08.
- 15 ww. The housing finance agency for criminal history record checks authorized under  
16 section 54-17-07.13.
- 17 xx. The office of state treasurer for each individual who has access to federal tax  
18 information.
- 19 yy. The public service commission for initial applicant licenses under chapter  
20 51-05.1, except that criminal history record checks need not be made unless  
21 required by the public service commission.
- 22 zz. The department of human services for a criminal history record check for a  
23 children's advocacy center as authorized under section 50-25.1-11.1.
- 24 aaa. The state historical society for volunteers and final applicants for employment,  
25 except that criminal history record checks need not be made unless requested by  
26 the society.
- 27 bbb. The department of transportation for volunteers and final applicants for  
28 employment, as determined by the director of the department of transportation.
- 29 ccc. The commission on legal counsel for indigents for a volunteer or final applicant  
30 for employment, as determined by the director of the commission on legal  
31 counsel for indigents.

- 1           ddd. The board of dietetic practice for applications for licensure or renewal under  
2                   chapter 43-44, except that criminal history record checks need not be made  
3                   unless required by the board.
- 4           eee. The secretary of state for employees with access to personally identifying  
5                   information of residents or businesses of the state or with access to elections  
6                   systems that are critical infrastructure under section 44-04-24.
- 7           fff. The state department of health for applicants for initial licensure for emergency  
8                   medical services personnel, such as emergency medical technicians, advanced  
9                   emergency medical technicians, and paramedics, as required by subdivision d of  
10                  subsection 3 of section 23-27.1-03.
- 11          3.   a. The bureau of criminal investigation shall conduct a statewide and nationwide  
12                   criminal history record check for the purpose of determining eligibility for a  
13                   concealed weapons license for each applicant for an initial license or the renewal  
14                   of a concealed weapons license under chapter 62.1-04. The nationwide criminal  
15                   history record check must include an inquiry of the national instant criminal  
16                   background check system, and if the applicant is not a United States citizen, an  
17                   immigration alien query.
- 18                  b. Each applicant for a concealed weapons license shall provide to the bureau of  
19                   criminal investigation written consent to conduct the criminal history record  
20                   check, to maintain, release, and disclose the information in accordance with state  
21                   and federal law, and to make a determination on the application; two sets of  
22                   fingerprints from a law enforcement agency or other individual authorized to take  
23                   fingerprints; and any other information required under chapter 62.1-04. The  
24                   person who takes fingerprints under this subsection may charge a reasonable fee  
25                   for fingerprinting.
- 26                  c. The bureau of criminal investigation shall resubmit the fingerprints to the federal  
27                   bureau of investigation. Except as otherwise provided by law, federal bureau of  
28                   investigation criminal history record information is confidential.

29          **Criminal history record checks. (Effective after August 31, 2022)**

- 30          1.   a. Each applicant, employee, or petitioner for adoption or name change who is  
31                   subject to a criminal history record check under subsection 2 shall consent to a

1 statewide and nationwide criminal history record check for the purpose of  
2 determining suitability or fitness for a permit, license, registration, employment, or  
3 adoption.

4 b. Each applicant, employee, registrant, or petitioner for adoption or name change  
5 subject to a criminal history record check shall provide to the requesting agency  
6 or entity written consent to conduct the check and to release or disclose the  
7 information in accordance with state and federal law, two sets of fingerprints from  
8 a law enforcement agency or other local agency authorized to take fingerprints,  
9 any other identifying information requested, and a statement indicating whether  
10 the applicant or employee has ever been convicted of a crime.

11 c. The agency, official, or entity shall submit these fingerprints to the bureau of  
12 criminal investigation for nationwide criminal history record information that  
13 includes resubmission of the fingerprints by the bureau of criminal investigation to  
14 the federal bureau of investigation. Except if otherwise provided by law, federal  
15 bureau of investigation criminal history record information obtained by an agency  
16 or entity is confidential. For a request for nationwide criminal history record  
17 information made under this section, the bureau of criminal investigation is the  
18 sole source to receive the fingerprint submissions and responses from the federal  
19 bureau of investigation. A person who takes fingerprints under this section may  
20 charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise  
21 provided by law, the bureau of criminal investigation may charge appropriate fees  
22 for criminal history information.

23 d. Fingerprints and any other identifying information the bureau has obtained under  
24 this section may be retained by the bureau and the federal bureau of  
25 investigation at the request of the agency, official, or entity submitting the  
26 fingerprints and any other identifying information for a statewide and nationwide  
27 criminal history record check. The subject of the records must be provided notice  
28 of the retention of the fingerprints and any other identifying information. The  
29 bureau may provide to each agency, official, or entity listed in subsection 2 of this  
30 section the response of the bureau and the federal bureau of investigation any

1 statewide criminal history record information that may lawfully be made available  
2 under this chapter.

3 e. The bureau may provide the results of a criminal history background check made  
4 under subsection 2 of this section to another state's identification bureau or  
5 central repository for the collection, maintenance, and dissemination of criminal  
6 history record information when the other state's identification bureau or central  
7 repository has requested the results of the criminal history background check and  
8 the agency, official, or entity of the other state has equivalent authority to  
9 subsection 2 of this section to request a statewide and nationwide criminal history  
10 check.

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

- 16 a. The governing body of a city or a county, by ordinance or resolution, for a final  
17 applicant for a specified occupation with the city or county.
- 18 b. The agriculture commissioner for each applicant for a license to grow or process  
19 hemp under section 4.1-18.1-02.
- 20 c. The education standards and practices board for initial, re-entry, and reciprocal  
21 teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance  
22 and counseling services under section 15.1-13-23.
- 23 d. The North Dakota board of medicine for licenses or disciplinary investigations  
24 under section 43-17-07.1, except that criminal history record checks need not be  
25 made unless required by the board.
- 26 e. The private investigative and security board for licenses or registrations under  
27 section 43-30-06.
- 28 f. The department of health and human services for foster care licenses, approvals,  
29 and identified relatives under chapter 50-11, appointments of legal guardians  
30 under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except  
31 that the criminal history record investigation must be conducted in accordance

1 with those chapters. A criminal history record investigation completed under  
2 chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a  
3 criminal history record investigation under either of the other two chapters.

- 4 g. The department of health and human services for criminal history record checks  
5 authorized under section 50-06-01.9.
- 6 h. The chief information officer of the information technology department for certain  
7 individuals under section 54-59-20.
- 8 i. A public peace officer training school that has been approved by the peace officer  
9 standards and training board for enrollees in the school. The school may only  
10 disclose the criminal history record information as authorized by law. The school  
11 shall pay the costs for securing the fingerprints, any criminal history record  
12 information made available under this chapter, and for the nationwide criminal  
13 history record check. This subdivision does not apply to the highway patrol law  
14 enforcement training center and enrollees who have a limited license under  
15 section 12-63-09.
- 16 j. The North Dakota public employees retirement board for individuals first  
17 employed by the public employees retirement board after July 31, 2005, who  
18 have unescorted physical access to the office or any security-sensitive area of  
19 the office as designated by the executive director.
- 20 k. The executive director of the retirement and investment office for individuals first  
21 employed by the retirement and investment office after July 31, 2005, who have  
22 unescorted physical access to the office or any security-sensitive area of the  
23 office as designated by the executive director.
- 24 l. The Bank of North Dakota for a final applicant for a specified occupation with the  
25 Bank as designated by the president.
- 26 m. Job service North Dakota for all employees, final applicants for employment with  
27 job service, and contractors with access to federal tax information.
- 28 n. The department of health and human services for a final applicant for a job  
29 opening or a current employee with the department as designated by the state  
30 health officer; an individual being investigated by the department; or, when

- 1 requested by the department, an applicant for registration as a designated  
2 caregiver or a compassion center agent under chapter 19-24.1.
- 3 o. The state board of nursing for applicants, licensees, registrants, or disciplinary  
4 investigations under chapter 43-12.1, except that criminal history record checks  
5 need not be made unless required by the board.
- 6 p. The state board of pharmacy for applicants or disciplinary investigations under  
7 chapter 43-15 and registrations, or revocation or suspension of registrations,  
8 under chapter 19-03.1, except that criminal history record checks need not be  
9 made unless required by the board.
- 10 q. The state real estate commission for applicants, licensees, or investigations  
11 under chapter 43-23, except that criminal history record checks need not be  
12 made unless required by the commission.
- 13 r. The North Dakota board of social work examiners for applicants for initial  
14 licensure or licensees under chapter 43-41, except that criminal history record  
15 checks for licensees need not be made unless required by the board.
- 16 s. All agencies, departments, bureaus, boards, commissions, or institutions of the  
17 state, including the North Dakota university system, for all employees or final  
18 applicants for employment as a security guard or to otherwise provide security.
- 19 t. The office of management and budget for each individual who has access to  
20 personal information as designated by the director.
- 21 u. The department of corrections and rehabilitation for all agents and employees  
22 and a final applicant for employment designated by the director and for each  
23 agent, employee, or a final applicant for employment of a privately operated  
24 entity providing contract correctional services for the department who exercises  
25 direct authority over juveniles, inmates, probationers, or parolees.
- 26 v. A city, county, or combination of cities or counties that operates a correctional  
27 facility subject to chapter 12-44.1, for each agent and employee and a final  
28 applicant for employment of the correctional facility who has direct contact with or  
29 exercises direct authority over any juvenile or inmate of the correctional facility,  
30 and for each agent, employee, or a final applicant for employment of a privately

- 1                   operated entity providing contract correctional services for the correctional facility  
2                   who exercises direct authority over juveniles, inmates, probationers, or parolees.
- 3           w.   The North Dakota university system for a final applicant for or employee in a  
4                   specified position in the university system or a university system institution or for  
5                   each student applying for or admitted to a specified program of study, as  
6                   designated by the chancellor.
- 7           x.   (1)   The board of a school district, for employees designated by the board,  
8                   provided the board is responsible for paying the costs associated with  
9                   obtaining a criminal history record check;
- 10               (2)   The board of a multidistrict special education unit, for employees designated  
11                   by the board, provided the board is responsible for paying the costs  
12                   associated with obtaining a criminal history record check;
- 13               (3)   The board of an area career and technology center, for employees  
14                   designated by the board, provided the board is responsible for paying the  
15                   costs associated with obtaining a criminal history record check;
- 16               (4)   The board of a regional education association, for employees designated by  
17                   the board, provided the board is responsible for paying the costs associated  
18                   with obtaining a criminal history record check; and
- 19               (5)   The superintendent of public instruction in the case of a nonpublic school or  
20                   a state school with a superintendent appointed by or reporting to the  
21                   superintendent of public instruction, for employees designated by the  
22                   nonpublic or state school, provided the nonpublic or state school is  
23                   responsible for paying the costs associated with obtaining a criminal history  
24                   record check.
- 25           y.   (1)   The board of a school district, for a final applicant seeking employment with  
26                   the district or otherwise providing services to the district, if that individual  
27                   has unsupervised contact with students, provided the board is responsible  
28                   for paying the costs associated with obtaining a criminal history record  
29                   check;
- 30               (2)   The board of a multidistrict special education unit, for a final applicant  
31                   seeking employment with the unit or otherwise providing services to the unit,

- 1 if that individual has unsupervised contact with students, provided the board  
2 is responsible for paying the costs associated with obtaining a criminal  
3 history record check;
- 4 (3) The board of an area career and technology center, for a final applicant  
5 seeking employment with the center or otherwise providing services to the  
6 center, if that individual has unsupervised contact with students, provided  
7 the board is responsible for paying the costs associated with obtaining a  
8 criminal history record check;
- 9 (4) The board of a regional education association, for a final applicant seeking  
10 employment with the association or otherwise providing services to the  
11 association if that individual has unsupervised contact with students,  
12 provided the board is responsible for paying the costs associated with  
13 obtaining a criminal history record check; and
- 14 (5) The superintendent of public instruction in the case of a nonpublic school or  
15 a state school with a superintendent appointed by or reporting to the  
16 superintendent of public instruction, for a final applicant seeking  
17 employment with the school or otherwise providing services to the school, if  
18 that individual has unsupervised contact with students, provided the board is  
19 responsible for paying the costs associated with obtaining a criminal history  
20 record check.
- 21 (6) For purposes of this subdivision, "unsupervised contact" with students  
22 means being in proximity to one or more students, on school grounds or at  
23 school functions, outside the presence of an individual who has been  
24 subject to a criminal history record check.
- 25 z. The racing commission for applicants for licenses under chapter 53-06.2, except  
26 that criminal history record checks need not be made unless required by the  
27 commission.
- 28 aa. A district court for a petition to change a name under chapter 32-28.
- 29 bb. The state board of pharmacy for a wholesale drug distributor seeking licensure  
30 under chapter 43-15.3.



- 1 cc. The board of dental examiners for investigations of applicants or dentists under  
2 section 43-28-11.2, except that criminal history record checks need not be made  
3 unless required by the board.
- 4 dd. The department of financial institutions for each applicant for a specified  
5 occupation with the department as specified by the commissioner and principal  
6 owners and managing officers of applicants for a license from the department of  
7 financial institutions.
- 8 ee. The office of tax commissioner for all employees, final applicants for employment  
9 with the tax commissioner, and contractors with access to federal tax information.
- 10 ff. The state board of examiners for nursing home administrators for applicants for  
11 licensure or licensees under chapter 43-34, except that criminal history record  
12 checks for licensees need not be made unless required by the board.
- 13 gg. The marriage and family therapy licensure board for applicants, licensees, or  
14 investigations under chapter 43-53, except that criminal history record checks  
15 need not be made unless required by the board.
- 16 hh. The state board of chiropractic examiners for applicants, licensees, certificates,  
17 or investigations under chapter 43-06, except that criminal history record checks  
18 need not be made unless required by the board.
- 19 ii. Workforce safety and insurance for a final applicant for a specified occupation  
20 with workforce safety and insurance as designated by the director, or for  
21 contractors who may have access to confidential information as designated by  
22 the director.
- 23 jj. The board of counselor examiners for applicants for licensure or licensees under  
24 chapter 43-47, except that criminal history record checks for licensees need not  
25 be made unless required by the board.
- 26 kk. The state board of respiratory care for applicants, licensees, or investigations  
27 under chapter 43-42, except that criminal history record checks need not be  
28 made unless required by the board.
- 29 ll. The North Dakota real estate appraiser qualifications and ethics board for  
30 applicants for permits or registration or permittees, registrants, owners, or  
31 controlling persons under chapters 43-23.3 and 43-23.5, except that criminal

- 1 history record checks for permittees, registrants, owners, or controlling persons  
2 need not be made unless required by the board.
- 3 mm. The insurance department for criminal history record checks authorized under  
4 chapters 26.1-26 and 26.1-26.8.
- 5 nn. The office of the adjutant general for employees and volunteers working with the  
6 recruiting and retention, sexual assault, and youth programs.
- 7 oo. The parks and recreation department for volunteers and final applicants for  
8 employment, as determined by the director of the parks and recreation  
9 department.
- 10 pp. The North Dakota medical imaging and radiation therapy board of examiners for  
11 licensure and licensees under chapter 43-62, except that criminal history record  
12 checks for licensees need not be made unless required by the board.
- 13 qq. The game and fish department for volunteers and final applicants for  
14 employment, as determined by the director of the game and fish department.
- 15 rr. The North Dakota board of massage for applicants, licensees, or investigations  
16 under chapter 43-25.
- 17 ss. The North Dakota board of physical therapy for physical therapist and physical  
18 therapist assistant applicants and for licensees under investigation, except that  
19 criminal history record checks need not be made unless required by the board.
- 20 tt. The department of commerce for volunteers and employees providing services  
21 through eligible organizations, as determined by the commissioner of commerce.
- 22 uu. The state court administrator for a guardian ad litem who provides direct services  
23 to youth.
- 24 vv. The department of environmental quality for a final applicant for a job opening or  
25 a current employee with the department; an individual being investigated by the  
26 department; or, when requested by the department, an applicant for a radioactive  
27 materials license under chapter 23.1-03 or a solid waste permit under chapter  
28 23.1-08.
- 29 ww. The housing finance agency for criminal history record checks authorized under  
30 section 54-17-07.13.

- 1           xx. The office of state treasurer for each individual who has access to federal tax  
2           information.
- 3           yy. The public service commission for initial applicant licenses under chapter  
4           51-05.1, except that criminal history record checks need not be made unless  
5           required by the public service commission.
- 6           zz. The department of health and human services for a criminal history record check  
7           for a children's advocacy center as authorized under section 50-25.1-11.1.
- 8           aaa. The state historical society for volunteers and final applicants for employment,  
9           except that criminal history record checks need not be made unless requested by  
10          the society.
- 11          bbb. The department of transportation for volunteers and final applicants for  
12          employment, as determined by the director of the department of transportation.
- 13          ccc. The commission on legal counsel for indigents for a volunteer or final applicant  
14          for employment, as determined by the director of the commission on legal  
15          counsel for indigents.
- 16          ddd. The board of dietetic practice for applications for licensure or renewal under  
17          chapter 43-44, except that criminal history record checks need not be made  
18          unless required by the board.
- 19          eee. The secretary of state for employees with access to personally identifying  
20          information of residents or businesses of the state or with access to elections  
21          systems that are critical infrastructure under section 44-04-24.
- 22          fff. The department of health and human services for applicants for initial licensure  
23          for emergency medical services personnel, such as emergency medical  
24          technicians, advanced emergency medical technicians, and paramedics, as  
25          required by subdivision d of subsection 3 of section 23-27.1-03.
- 26          3. a. The bureau of criminal investigation shall conduct a statewide and nationwide  
27          criminal history record check for the purpose of determining eligibility for a  
28          concealed weapons license for each applicant for an initial license or the renewal  
29          of a concealed weapons license under chapter 62.1-04. The nationwide criminal  
30          history record check must include an inquiry of the national instant criminal

1 background check system, and if the applicant is not a United States citizen, an  
2 immigration alien query.

3 b. Each applicant for a concealed weapons license shall provide to the bureau of  
4 criminal investigation written consent to conduct the criminal history record  
5 check, to maintain, release, and disclose the information in accordance with state  
6 and federal law, and to make a determination on the application; two sets of  
7 fingerprints from a law enforcement agency or other individual authorized to take  
8 fingerprints; and any other information required under chapter 62.1-04. The  
9 person who takes fingerprints under this subsection may charge a reasonable fee  
10 for fingerprinting.

11 c. The bureau of criminal investigation shall resubmit the fingerprints to the federal  
12 bureau of investigation. Except as otherwise provided by law, federal bureau of  
13 investigation criminal history record information is confidential.

14 **SECTION 2.** Section 23-27-06 of the North Dakota Century Code is created and enacted as  
15 follows:

16 **23-27-06. Criminal history record check.**

17 The department may require an applicant for emergency medical services personnel  
18 licensure to submit to a statewide and nationwide criminal history record check. The nationwide  
19 criminal history record check must be conducted in the manner provided by section 12-60-24.  
20 All costs associated with the criminal history record check are the responsibility of the applicant.

21 **SECTION 3. AMENDMENT.** Section 50-06-41.3 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **50-06-41.3. Behavioral health bed management system.**

24 The department shall establish and maintain a behavioral health bed management system  
25 to improve utilization of behavioral health bed capacity. Public and private providers of  
26 residential or inpatient behavioral health services, except the department of corrections and  
27 rehabilitation, shall participate in and report daily to the department the information and  
28 documentation necessary to maintain the behavioral health bed management system in the  
29 form and manner prescribed by the department.

30 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the  
31 secretary of state.