

HOUSE BILL NO. 1194

Introduced by

Representatives Klemin, Heinert, K. Koppelman

Senators Hogue, D. Larson

1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to providing a victim's rights card; and to amend and reenact
3 subsections 6 and 10 of section 12.1-34-01 and subsections 1, 2, and 6 of section 12.1-34-02 of
4 the North Dakota Century Code, relating to treatment standards for victims.

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

6 **SECTION 1. AMENDMENT.** Subsections 6 and 10 of section 12.1-34-01 of the North
7 Dakota Century Code are amended and reenacted as follows:

- 8 6. "Family member" includes a spouse, child, sibling, parent, grandparent, grandchild,
9 legal guardian, or custodian of a victim, and any person with a relationship to the
10 victim which is substantially similar to a relationship specified in this section.
- 11 10. "Victim" means a natural person who has suffered direct or threatened physical,
12 financial, or ~~emotional~~psychological harm ~~where there is probable cause to believe~~
13 ~~that the harm has been caused by the commission of a criminal act~~as the result of the
14 commission or attempted commission of a crime or delinquent act or against whom
15 the crime or delinquent act is committed. The term "victim" includes the family
16 members of a minor, incompetent, incapacitated, or deceased person. The term
17 "victim" does not include the accused or a person whom the court finds would not act
18 in the best interests of a deceased, incompetent, minor, or incapacitated victim.

19 **SECTION 2. AMENDMENT.** Subsections 1, 2, and 6 of section 12.1-34-02 of the North
20 Dakota Century Code are amended and reenacted as follows:

- 21 1. Informed by those entities that have contact with the victim or witness as to the
22 availability of and the methods available for registration with the statewide automated
23 victim information and notification system. Those entities include law enforcement,
24 prosecuting attorneys, the courts, and custodial authorities. A victim or witness who

- 1 clearly objects to registration may not be required to register with the system or must
2 be able to opt out of the system. A victim has the right to:
- 3 a. Prevent the disclosure of confidential or privileged information about the victim or
4 the victim's family; and
- 5 b. Be notified of any request for identifying information or confidential or privileged
6 information about the victim or victim's family.
- 7 2. Informed as to status of investigation. Victims and witnesses, upon request, must be
8 informed by law enforcement authorities investigating a criminal case of the status of
9 the investigation, except where the prosecuting attorney or law enforcement authority
10 determines that to disclose such information would unreasonably interfere with the
11 investigation, until such time as the alleged offender is apprehended or the
12 investigation is closed. A victim, upon request, must be allowed to confer with the
13 prosecuting attorney.
- 14 6. Services available. Victims and witnesses must be informed by the prosecuting
15 attorney and arresting law enforcement agency of all appropriate and available public
16 or private programs that provide counseling, treatment, or support for victims and
17 witnesses, including rape crisis centers, victim and witness assistance programs,
18 elderly victim services, victim assistance hotlines, social service agencies, and
19 domestic violence programs. Victims and witnesses must be informed of the right to
20 seek the advice of an attorney. The prosecuting attorney and law enforcement
21 authority shall advise victims eligible for services of the relevant provisions of chapter
22 54-23.4.

23 **SECTION 3.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
24 and enacted as follows:

25 **Victim's rights card.**

26 The attorney general shall develop a card containing the rights of victims as provided in this
27 chapter and section 26 of article I of the Constitution of North Dakota to be distributed to all
28 crime victims.