

Introduced by

Senators Bekkedahl, Kannianen, Oehlke

Representatives Lefor, Sukut, Zubke

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

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

6 ~~**SECTION 1. AMENDMENT.** Subsection 1 of section 14-07.1-18 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:—~~

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~~
16 ~~agent, employee, or volunteer providing services under a domestic violence or~~
17 ~~sexual assault program.~~

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

20 **14-07.1-18. Domestic violence or sexual assault program records - Confidentiality -**
21 **Exceptions - Penalty.**

22 1. All agents, employees, and volunteers participating in a domestic violence or sexual
23 assault program shall maintain the confidentiality of the:

- 1 a. Address, telephone number, and other identifying information of a ~~shelter~~, safe
2 home, and place of emergency safe housing;
- 3 b. Name, address, telephone number, personally identifying information, and case
4 file or history of any client receiving services from a domestic violence or sexual
5 assault program; and
- 6 c. Name, address, telephone number, and other identifying information of an agent,
7 employee, or volunteer providing services under a domestic violence or sexual
8 assault program.
- 9 2. The information described in subsection 1 is not subject to section 44-04-18 and may
10 not be disclosed unless:
 - 11 a. A client consents to the release of information that relates only to that client or the
12 client's dependents;
 - 13 b. The agent, employee, or volunteer operating a domestic violence or sexual
14 assault program determines the disclosure of the information necessary for the
15 efficient and safe operation of a domestic violence or sexual assault program; or
16 for the protection of the safety of an employee, agent, volunteer, or client of a
17 domestic violence or sexual assault program; or for the protection of a third party
18 reasonably thought to be in need of protection;
 - 19 c. A court of competent jurisdiction orders the disclosure after an in camera review
20 and a written finding by the court that the information directly and specifically
21 relates to a determination of child abuse and neglect under chapter 50-25.1 or
22 termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45,
23 27-20-46, 27-20-47, and 27-20-48; or
 - 24 d. An agent, employee, or volunteer working with a domestic violence or sexual
25 assault program has knowledge or reasonable cause to suspect a child has been
26 abused or neglected as defined by section 50-25.1-02.
- 27 3. The address, telephone number, and other identifying information of a shelter are
28 exempt records as defined in section 44-04-17.1.
- 29 4. Any person who violates this section is guilty of an infraction.