

HOUSE BILL NO. 1294

Introduced by

Representatives Roers Jones, M. Johnson, Jones, Klemin, Satrom, Vetter

Senators Bakke, Dwyer, Luick, Meyer, K. Roers

1 A BILL for an Act to create and enact section 12-60-16.12 of the North Dakota Century Code,
2 relating to the unauthorized dissemination of criminal history record information; and to provide
3 a penalty.

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

5 **SECTION 1.** Section 12-60-16.12 of the North Dakota Century Code is created and enacted
6 as follows:

7 **12-60-16.12. Criminal history record information - Civil action - Penalty.**

- 8 1. A person that disseminates, publishes, or maintains or causes to be disseminated,
9 published, or maintained, the criminal history record information of an individual which
10 pertains to that individual's charge or arrest for a criminal offense, and solicits,
11 requests, or accepts money or other thing of value for removing the criminal history
12 record information is civilly liable to that individual in the amount of five hundred dollars
13 or actual damages, whichever is greater, plus reasonable attorney's fees and court
14 costs.
- 15 2. Subsection 1 does not apply to:
- 16 a. A constitutionally protected activity;
- 17 b. An interactive computer service, as defined in 47 U.S.C. 230, for content
18 provided by another person; or
- 19 c. The bureau, a criminal justice agency, or a person acting in accordance with the
20 authority provided under sections 12-60-16.1 through 12-60-16.11.