

**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 pertains~~  
10 ~~to that individual's charge or arrest for a criminal offense, and solicits, requests, or accepts~~  
11 ~~money or other thing of value for removing the criminal history record information is civilly liable~~  
12 ~~to that individual in the amount of five hundred dollars or actual damages, whichever is greater,~~  
13 ~~plus reasonable attorney's fees and court costs.~~

14 ~~2. Subsection 1 does not apply to:~~

15 ~~a. A constitutionally protected activity;~~

16 ~~b. An interactive computer service, as defined in 47 U.S.C. 230, for content~~  
17 ~~provided by another person; or~~

18 ~~c. The bureau, a criminal justice agency, or a person acting in accordance with the~~  
19 ~~authority provided under sections 12-60-16.1 through 12-60-16.11.~~