

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 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.