Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2322

Introduced by

Senators Kreun, Hogue, Klein, Lee

Representatives Nathe, O'Brien

- 1 A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota
- 2 Century Code, relating to state employee claims for wrongful criminal investigation or
- 3 prosecution; to provide for retroactive application; and to declare an emergency.

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

5 SECTION 1. A new section to chapter 32-12.2 of the North Dakota Century Code is created
6 and enacted as follows:

7 <u>State employee claims for wrongful criminal investigation or prosecution.</u>

- 8 <u>1.</u> The director of the office of management and budget shall pay from the risk
- 9 management fund the reasonable and necessary costs incurred by a state employee
- 10 <u>as a result of a criminal investigation in which the state employee was acting within the</u>
- course and scope of the employee's employment and the investigation did not result in
 criminal charges.
- 13 <u>2.</u> <u>The attorney general may direct the director of the office of management and budget</u>
 to pay from the risk management fund the reasonable and necessary costs incurred
- 15 by a state employee if, as a result of a criminal investigation and prosecution in which
- 16 the state employee was acting within the course and scope of the employee's
- employment, criminal charges against the employee were dismissed or the employee
 was acquitted of any wrongdoing.
- 19 SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to investigations
- arising after January 1, 2019.
- 21 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.