

January 15, 2007

NEW REQUIREMENTS FOR CRIMINAL HISTORY RECORD CHECKS

BISMARCK – Attorney General Wayne Stenehjem joined several state legislators today to announce legislation requiring complete criminal history record checks for certain state and local government employees including corrections officers, security personnel and many other positions of public trust.

“This bill is an important tool for public safety. North Dakota enjoys a reputation as the safest state in the nation, and this bill will help us maintain that position. State and local government entities now will be required to ensure that the people they want to employ will not pose a danger to the citizens they are supposed to protect,” said Stenehjem.

“The criminal history and background check bill, along with our proposed legislation imposing mandatory minimums for first time violent sexual offenders, will help make North Dakotans safer in their homes, businesses and schools,” Governor John Hoeven said. “We look forward to working with Attorney General Stenehjem, legislators and law enforcement officials to pass this and other important laws that will secure North Dakota’s place as the safest state in America.”

The bill, sponsored by Senator Larry Robinson and Representative Phillip Mueller from Valley City and Representative Kim Koppelman from West Fargo, was prompted in part by the arrest last year of Moe Maurice Gibbs for the 2006 murder of Mindy Morgenstern, a Valley City student. Gibbs, who worked as a night security officer for NDSU when he lived in Fargo, also faces charges of sexually abusing female inmates when he was a jailer in Barnes County.

"This legislation is long over due. I knew Mindy Morgenstern. She was a resident of our community and a student at our university. She was a very special young lady who touched so many. Following her tragic death I made a commitment to do everything I could to insure that never again would a dangerous felon be able to slip through the cracks. The bill before you addresses a number of critical issues regarding background checks and name changes. It is aggressive and comprehensive. We shall never forget Mindy Morgenstern, her family and her tragic death," said Senator Robinson.

A national criminal record check, which includes fingerprints, can be performed only if state or federal law authorizes it. The bill expands the number of authorized state and local government agencies, and adds a requirement that a fingerprint based record check must be done on state and county correctional officers, college and university security officers, along with students participating in particular higher education programs, dentists, realtors, pharmacists, certain school district employees in addition to teachers, and many other professions as determined by the state boards.

"Perhaps the most basic function of government is protecting our citizens. In a changing world, this requires new, responsive and innovative public policy. This legislation will implement just such effective public policy in North Dakota. It is critical that people in positions of trust and responsibility be properly screened before they are hired," said Representative Koppelman. "Because this legislation, the people of North Dakota will be safer and I'm pleased to be a part of this effort, along with my Legislative colleagues."

A criminal history record check without fingerprints cannot identify records if the individual was arrested under a different name. To make sure a criminal cannot avoid detection simply by changing his name, the bill requires the court receive a national fingerprint based criminal record check on individual who petitions for a name change.