

HOUSE BILL NO. 1398

Introduced by

Representatives Kroeber, Fairfield, Kretschmar

Senators Robinson, Wardner

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
2 Century Code, relating to correctional facility files and records.

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

4 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Correctional facility files and records confidentiality.**

- 7 1. The medical, psychological, and treatment records of an inmate are confidential
8 and may not be disclosed directly or indirectly to any person, organization, or
9 agency, except as provided in this section. A court may order the inspection of the
10 records, or parts of the records, upon an application to the court and a showing
11 that there is a proper and legitimate purpose for the inspection and the provision of
12 written authorization from the inmate for the inspection. Notwithstanding any other
13 provision of law relating to privilege or confidentiality, medical, psychological, or
14 treatment records may be inspected by or disclosed to the following persons,
15 organizations, or agencies without prior authorization from the inmate or an order
16 from the court:
- 17 a. A criminal justice agency as defined in subsection 4 of section 44-04-18.7.
 - 18 b. A division, department, official, or employee of the department of corrections
19 and rehabilitation.
 - 20 c. A federal, state, regional, county, or municipal correctional facility receiving
21 physical custody of an inmate from the original correctional facility.
 - 22 d. A municipal or district court.
 - 23 e. The department of human services, a public hospital or treatment facility, or a
24 licensed private hospital or treatment facility.

- 1 2. A person, organization, or agency receiving confidential records under
2 subsection 1 may not redisclose the records and must maintain the confidentiality
3 of the records.
- 4 3. The employment or work release status of an inmate may be disclosed to an
5 agency or official charged with the enforcement of child support.
- 6 4. Records with respect to inmate identification, charges, criminal convictions, bail
7 information, and intake and projected release dates are open records.
- 8 5. Records with respect to inmate institutional discipline and conduct and protective
9 management are exempt records as defined under section 44-04-17.1.