

SENATE BILL NO. 2172

Introduced by

Senators J. Lee, Dever, Lyson

Representatives DeKrey, Grande, Gruchalla

1 A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code,
2 relating to exempting law enforcement work schedules from open records requirements.

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

4 **SECTION 1. AMENDMENT.** Section 44-04-18.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **44-04-18.3. Records of juvenile court supervisors and probation officers and law**
7 **enforcement and correctional employees - Law enforcement work schedules -**
8 **Confidential informants.**

9 1. Any telephone number and the home address of a juvenile court supervisor or
10 probation officer, an employee of a law enforcement agency, employee of a state
11 or local correctional facility, and an employee of the department of corrections and
12 rehabilitation are confidential. A record containing information relating to an
13 employee of the department of corrections and rehabilitation may be disclosed to
14 an appropriate authority under policy established by the department of corrections
15 and rehabilitation.

16 2. Records or other information that would reveal the identity, or endanger the life or
17 physical well-being, of an undercover law enforcement officer is confidential. For
18 purposes of this subsection, an "undercover law enforcement officer" means a
19 full-time, salaried employee of a local or state law enforcement agency who acts
20 surreptitiously or poses as someone other than a law enforcement officer while
21 engaging in the investigation of a violation of law.

22 3. Any record containing the work schedule of employees of a law enforcement
23 agency is exempt.

- 1 4. A law enforcement officer or prosecutor, within the scope of the employment of the
2 officer or prosecutor, may provide assurances of confidentiality to a person
3 providing information regarding violations of the law. Any information that would
4 identify or provide a means of identifying a confidential informant, if the identity of
5 the informant is not otherwise publicly known, is confidential and may be disclosed
6 only as permitted by law.