



STATE OF NORTH DAKOTA
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SENATE JUDICIARY COMMITTEE
APRIL 9, 2025

TESTIMONY OF ANNIQUE LOCKARD
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1499

Chair Larson and Members of the Committee:

I am Annique Lockard, an Assistant Attorney General, with the General Counsel Division, and I appear on behalf of the Attorney General in support of House Bill 1499.

Under current law, N.D.C.C. § 44-04-18.3(1), telephone numbers and home addresses of prosecutors, supreme court justices, district court judges, judicial referees, juvenile court directors, probation officers, employees of law enforcement agencies, employees of state or local correctional facilities, and employees of the department of corrections and rehabilitation are confidential. This bill clarifies and expands that protection to federal judges, magistrates, and U.S. Supreme Court justices.

North Dakota has recognized, and expanded, protections for telephone numbers and home addresses for public employees involved with the criminal justice system for almost 30 years. Telephone numbers and the home address of employees of law enforcement agencies, state or local correctional facilities, or the department of corrections and rehabilitation have been confidential under North Dakota law since 1995.¹ Juvenile court supervisors and probation officers were added in 2003.² During the 2021 legislative session,³ at the request of Highway

¹ S.L. 1995, ch. 428, § 1.

² S.L. 2003, ch. 383, § 1. (Supervisor was changed to the current director language in 2011. See S.L. 2011, ch. 332, § 6).

³ S.B. 2276, 67th Legislative Assembly (2021).

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Patrol, prosecutors, district court judges, and judicial referees, were added.⁴ In the same bill, the State Court Administrator's Office asked to add supreme court justices.⁵ At that time, it was thought that federal judges' information was already, or would soon be, protected by federal law.

On December 23, 2022, "Daniel's Law"⁶ was signed into law.⁷ That law is named after Judge Esther Salas's son who, you may remember, tragically lost his life in an act of violence targeting her home. Upon recent review of Daniel's Law, we noticed that while it does protect personal information for federal judges, including their phone numbers and addresses, the protection is limited to records with federal executive, judicial, or legislative agencies.⁸

Upon request from a federal judge and to avoid ambiguity in our state open records law, our office drafted this bill to make clear that our federal judges and their families are protected the same as our state judges and other public employees listed in Subsection 1 of N.D.C.C. § 44-04-18.3.

For these reasons, the Office of Attorney General recommends a do pass on HB 1499. Thank you for your time and consideration, and I would stand for any questions.

⁴ Testimony of Major Hummel, S.B. 2276, Senate Judiciary, Feb. 3, 2021.

⁵ Testimony of Sara Behrens, S.B. 2276, House Judiciary, Mar. 22, 2021.

⁶ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263, 136 Stat. 2395 (3458-3469), subtitled "Daniel Anderl Judicial Security and Privacy Act of 2022."

⁷ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263, 136 Stat. 2395.

⁸ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263, 136 Stat. 2395 (3461).