

HOUSE BILL NO. 1059

Introduced by

Representatives DeKrey, Delmore

(At the request of the Commission on Legal Counsel for Indigents)

1 A BILL for an Act to amend and reenact section 54-61-04 of the North Dakota Century Code,
2 relating to confidentiality of commission on legal counsel for indigents information and records.

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

4 **SECTION 1. AMENDMENT.** Section 54-61-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-61-04. Records, files, and information - Accessibility - Confidentiality.** Any file,
7 record, or information regarding representation of a defendant under sections 54-61-01 through
8 54-61-03 which are attorney work-product or otherwise subject to any attorney-client privilege
9 are confidential and may not be disclosed except in accordance with a court order or in
10 response to applicable discovery rules. All other case-related records are exempt from
11 disclosure except as otherwise provided in rules adopted by the commission. Information or
12 records obtained by the commission relating to allegations of misconduct by an attorney in the
13 employ of, or providing indigent services for, the commission are exempt from disclosure except
14 as otherwise provided in rules adopted by the commission unless and until the matter is
15 referred for formal disposition under rules adopted by the supreme court.