

**SENATE BILL NO. 2172
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

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 subsection 6 of section 44-04-18 and section
2 44-04-18.3 of the North Dakota Century Code, relating to access to public records in arbitration
3 proceedings and to exempting law enforcement work schedules from open records
4 requirements.

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

6 **SECTION 1. AMENDMENT.** Subsection 6 of section 44-04-18 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 6. Any request under this section for records in the possession of a public entity by a
9 party to a criminal or civil action ~~or~~, adjudicative proceeding as defined in
10 subsection 1 of section 28-32-01, or arbitration in which the public entity is a party,
11 or by an agent of the party, must comply with applicable discovery rules or orders
12 and be made to the attorney representing that entity in the criminal or civil action
13 ~~or~~, adjudicative proceeding, or arbitration. The public entity may deny a request
14 from a party or an agent of a party under this subsection if the request seeks
15 records that are privileged under applicable discovery rules.

16 **SECTION 2. AMENDMENT.** Section 44-04-18.3 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **44-04-18.3. Records of juvenile court supervisors and probation officers and law**
19 **enforcement and correctional employees - Law enforcement work schedules -**
20 **Confidential informants.**

21 1. Any telephone number and the home address of a juvenile court supervisor or
22 probation officer, an employee of a law enforcement agency, employee of a state
23 or local correctional facility, and an employee of the department of corrections and
24 rehabilitation are confidential. A record containing information relating to an

1 employee of the department of corrections and rehabilitation may be disclosed to
2 an appropriate authority under policy established by the department of corrections
3 and rehabilitation.

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

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

12 4. A law enforcement officer or prosecutor, within the scope of the employment of the
13 officer or prosecutor, may provide assurances of confidentiality to a person
14 providing information regarding violations of the law. Any information that would
15 identify or provide a means of identifying a confidential informant, if the identity of
16 the informant is not otherwise publicly known, is confidential and may be disclosed
17 only as permitted by law.