

Introduced by

Representatives K. Koppelman, Delmore, Heinert, Kasper, Lefor, Roers Jones, Sukut

Senators Armstrong, Holmberg, D. Larson, G. Lee, Unruh

1 A BILL for an Act to create and enact subsections 4 and 5 to section 54-61-02 of the North
2 Dakota Century Code, relating to access to confidential records by the commission on legal
3 counsel for indigents.

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

5 **SECTION 1.** Subsection 4 to section 54-61-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 4. Notwithstanding any provision of state law making the records confidential, but subject
8 to any prohibitions in federal law, in addition to or in lieu of a subpoena, in determining
9 eligibility for public defender services the commission may obtain access, including
10 automated access in the case of records maintained in automated databases, to:

11 a. All records of other state and local government agencies, including:

12 (1) Vital statistics, including records of marriage, birth, and divorce;

13 (2) Local tax and revenue records, including information on residence address,
14 employer, income, and assets;

15 (3) Records concerning real and titled personal property;

16 (4) Records of occupational and professional licenses and records concerning
17 the ownership and control of corporations, partnerships, and other business
18 entities;

19 (5) Employment security records;

20 (6) Workforce safety and insurance records pursuant to a release signed by an
21 individual identifying the last-known address of the individual, wage-loss
22 benefits, permanent partial impairment benefits, death benefits, or additional
23 benefits that individual has received or is entitled to receive from the
24 organization, and whether and where that individual is employed;

- 1 (7) Records of all agencies administering public assistance programs;
2 (8) Records of the department of transportation, which access is not subject to
3 the requirements in section 39-16-03;
4 (9) Corrections records;
5 (10) Law enforcement records; and
6 (11) Subject to an agreement with the state tax commissioner, state tax and
7 revenue records, including information on residence address, employer,
8 income, and assets; and
9 b. Certain information contained in records held by private entities, subject to
10 safeguards on privacy and information security, consisting of:
11 (1) The name, address, social security number, and other requested relevant
12 income or asset information of the individual and the name and address of
13 the employer of the individual, as appearing in customer records of public
14 utilities, including cellular and wireless telephone service providers and
15 cable television companies, pursuant to an administrative subpoena if
16 requested; and
17 (2) Information on assets and liabilities of the individual held by financial
18 institutions.

19 **SECTION 2.** Subsection 5 to section 51-61-02 of the North Dakota Century Code is created
20 and enacted as follows:

- 21 5. If a government agency or private entity denies the commission access to records
22 under subsection 4, the denial must include a statement of the legal authority for the
23 denial.