

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1235**

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, 5, and 6 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) Records of all agencies administering public assistance programs;

21 (7) Records of the department of transportation, which access is not subject to  
22 the requirements in section 39-16-03;

23 (8) Corrections records;

24 (9) Law enforcement records; and

1           (10) Subject to an agreement with the state tax commissioner, state tax and  
2                     revenue records, including information on residence address, employer,  
3                     income, and assets; and

4           b. Certain information contained in records held by private entities, subject to  
5                     safeguards on privacy and information security, consisting of:

6                     (1) The name, address, social security number, and other requested relevant  
7                             income or asset information of the individual and the name and address of  
8                             the employer of the individual, as appearing in customer records of public  
9                             utilities, including cellular and wireless telephone service providers and  
10                            cable television companies, pursuant to an administrative subpoena if  
11                            requested; and

12                     (2) Information on assets and liabilities of the individual held by financial  
13                             institutions.

14           **SECTION 2.** Subsection 5 to section 54-61-02 of the North Dakota Century Code is created  
15 and enacted as follows:

16           5. If a government agency or private entity denies the commission access to records  
17                     under subsection 4, the denial must include a statement of the legal authority for the  
18                     denial.

19           **SECTION 3.** Subsection 6 to section 54-61-02 of the North Dakota Century Code is created  
20 and enacted as follows:

21           6. In determining eligibility for public defender services the commission may obtain  
22                     access to workforce safety and insurance records pursuant to section 65-05-32.