

January 25, 2023

Senate Judiciary Committee SB 2216
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CHAIRMAN LARSON AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm submitting this written testimony on behalf of the North Dakota Newspaper and Broadcasters Associations. I have an unfortunate conflict involving testimony before another committee and cannot appear in person.

We understand the reasons behind this bill and, while not agreeing with all of them, would appreciate working with the committee and the sponsors on any proposed amendments.

I note that Mr. Friese is proposing some amendments, and that other amendments may be needed for some drafting errors.

One of our proposals would be to allow the hometown of the defendants to be identified. The specific street address, telephone number, etc. can be protected, but it is important in our news stories to know, for example, that defendant Jack McDonald is from Washburn, and not Jack McDonald from Bismarck. This is to avoid confusion and possible libel suits. This is already provided in other provisions of the open records law. We also object to this exemption going to all records and not just those of correctional officers or facilities.

We would respectfully suggest that Mr. Friese's proposed amendment be amended to read:

2. The street number address, but not the hometown, and the telephone number of a criminal defendant which is in the possession of a correctional facility or a correctional facility staff is a confidential record while the defendant's case is pending trial or appeal.

Thank you for your time and consideration. I would be happy to work with the committee on amendments.