

January 30, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2216

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the nondisclosure of a defendant's contact information; and to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to the confidentiality of a law enforcement officer's contact information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Except as provided in subsection 5, a telephone number and the home address of a prosecutor, supreme court justice, district court judge, judicial referee, juvenile court director or probation officer, an employee of a law enforcement agency, employee of a state or local correctional facility, and an employee of the department of corrections and rehabilitation are confidential. Information contained in a personnel record of an employee of the department of corrections and rehabilitation may not be disclosed to an inmate in the legal custody of the department of corrections and rehabilitation confined in a jail, prison, or other correctional facility unless authorized by the director of the department of corrections and rehabilitation. Information contained in a personnel record of a law enforcement officer of a state or local law enforcement agency or in the personnel record of a correctional employee of a correctional facility subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state correctional facility or correctional facility subject to chapter 12-44.1 unless authorized by the employing agency.
2. Records or other information that would reveal the identity, or endanger the life or physical well-being, of an undercover law enforcement officer is confidential. For purposes of this subsection, an "undercover law enforcement officer" means a full-time, salaried employee of a local or state law enforcement agency who acts surreptitiously or poses as someone other than a law enforcement officer while engaging in the investigation of a violation of law.
3. Any record containing the work schedule of employees of a law enforcement agency is exempt.
4. A law enforcement officer or prosecutor, within the scope of the employment of the officer or prosecutor, may provide assurances of confidentiality to a person providing information regarding violations of the

law. Any information that would identify or provide a means of identifying a confidential informant, if the identity of the informant is not otherwise publicly known, is confidential and may be disclosed only as permitted by law.

5. A home address of an individual in subsection 1 which is included in a geographic information system, a property title record, or tax parcel data is confidential only if an individual in subsection 1 or the individual's employer submits a written request to the custodian of the records. The request will remain confidential for the remainder of a calendar year and must be renewed annually.
6. Except as otherwise provided by law, the identity and any contact information of a law enforcement officer involved in a critical incident is a confidential record until internal investigations are complete. As used in this subsection, "critical incident" means:
 - a. An on or off-duty officer-involved shooting;
 - b. An on-duty officer motor vehicle collision involving death or serious bodily injury; or
 - c. Any other on-duty officer incident resulting in death or serious bodily injury.

SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

The home address and any telephone number of a criminal defendant is a confidential record while the defendant's case is pending trial or appeal. This subsection does not prohibit:

- a. The dissemination of a defendant's address and telephone number among law enforcement agencies and officers, or among governmental agencies and employees engaged in official government business;
- b. Releasing the name of the city and state in which a defendant resides; or
- c. Releasing the home address and any telephone number as authorized in writing by the defendant."

Renumber accordingly