

Introduced by

1 A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code,
2 relating to the confidential status of candidate address information.

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

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

6 **44-04-18.3. Records of candidates, judicial officers, juvenile court supervisors and,**
7 **probation officers and, law enforcement employees, and correctional employees - Law**
8 **enforcement work schedules - Confidential informants.**

9 1. Except as provided in subsection ~~5, a~~7:

10 a. A candidate's residential address is a confidential record; and

11 b. A telephone number and the ~~home~~residential address of a prosecutor, justice of
12 the United States, federal judge, magistrate judge, supreme court justice, district
13 court judge, judicial referee, juvenile court director or probation officer, an
14 employee of a law enforcement agency, employee of a state or local correctional
15 facility, and an employee of the department of corrections and rehabilitation are
16 confidential records.

17 2. Notwithstanding subsection 1, the address of a candidate under this section which
18 appears on an initiative, referendum, or recall petition or a nominating petition of
19 another candidate is an open record under this chapter. This section does not
20 preclude an election official from accessing a candidate's residential address to
21 execute the powers and duties afforded to an election official under title 16.1.

22 3. Information contained in a personnel record of an employee of the department of
23 corrections and rehabilitation may not be disclosed to an inmate in the legal custody of
24 the department of corrections and rehabilitation confined in a jail, prison, or other

1 correctional facility unless authorized by the director of the department of corrections
2 and rehabilitation. Information contained in a personnel record of a law enforcement
3 officer of a state or local law enforcement agency or in the personnel record of a
4 correctional employee of a correctional facility subject to chapter 12-44.1 may not be
5 disclosed to an inmate confined in a state correctional facility or correctional facility
6 subject to chapter 12-44.1 unless authorized by the employing agency.

7 ~~2.4.~~ Records or other information that would reveal the identity, or endanger the life or
8 physical well-being, of an undercover law enforcement officer is confidential. For
9 purposes of this subsection, an "undercover law enforcement officer" means a
10 full-time, salaried employee of a local or state law enforcement agency who acts
11 surreptitiously or poses as someone other than a law enforcement officer while
12 engaging in the investigation of a violation of law.

13 ~~3.~~ Any

14 ~~5.~~ A record containing the work schedule of employees of a law enforcement agency or
15 the department of corrections and rehabilitation is exempt.

16 ~~4.6.~~ A law enforcement officer or prosecutor, within the scope of the employment of the
17 officer or prosecutor, may provide assurances of confidentiality to a person providing
18 information regarding violations of the law. Any information that would identify or
19 provide a means of identifying a confidential informant, if the identity of the informant is
20 not otherwise publicly known, is confidential and may be disclosed only as permitted
21 by law.

22 ~~5.7.~~ A ~~home~~residential address of an individual in subsection 1 which is included in a
23 geographic information system, a property title record, or tax parcel data is confidential
24 only if an individual in subsection 1 or the individual's employer submits a written
25 request to the custodian of the records. The requestresidential address information will
26 remain confidential for the remainder of athe calendar year and must be renewed
27 annually or upon completion of the candidate's term. If a custodian of records receives
28 a written notice and is acting on behalf of a political subdivision other than a county,
29 the custodian of records shall forward a copy of all written requests received under this
30 subsection to the county auditor of the county in which the political subdivision is
31 located.

- 1 8. As used in this section:
- 2 a. "Candidate" means an individual:
- 3 (1) Who is a member of the legislative assembly; or
- 4 (2) Who has filed or accepted a nomination for legislative office.
- 5 b. "Undercover law enforcement officer" means a full-time, salaried employee of a
- 6 local or state law enforcement agency who acts surreptitiously or poses as
- 7 someone other than a law enforcement officer while engaging in the investigation
- 8 of a violation of law.