

**SENATE BILL NO. 2216**

Introduced by

Senator Cleary

Representative Roers Jones

1 A BILL ~~for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota~~  
2 ~~Century Code, relating to the confidentiality of defendant's contact information.~~for an Act to  
3 create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code,  
4 relating to the nondisclosure of a defendant's contact information; and to amend and reenact  
5 section 44-04-18.3 of the North Dakota Century Code, relating to the confidentiality of a law  
6 enforcement officer's contact information.

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

8 ~~SECTION 1. A new section to chapter 12-44.1 of the North Dakota Century Code is created~~  
9 ~~and enacted as follows:~~

10 ~~**Defendant and law enforcement contact information – Confidential.**~~

11 ~~1. As used in this section, "critical incident" means:~~

12 ~~a. An on or off-duty officer-involved shooting;~~

13 ~~b. An on-duty officer motor vehicle collision involving death or serious bodily injury;~~

14 ~~or~~

15 ~~c. Any other on-duty officer incident resulting in death or serious bodily injury.~~

16 ~~2. The address and telephone number of a criminal defendant which is in the possession~~  
17 ~~of a correctional facility or correctional facility staff is a confidential record while the~~  
18 ~~defendant's case is pending trial or appeal.~~

19 ~~3. Except as otherwise provided by law, the identity and any contact information of a law~~  
20 ~~enforcement officer involved in a critical incident is a confidential record until the~~  
21 ~~investigation is complete.~~

22 ~~4. This section does not prohibit the dissemination of a defendant's address and~~  
23 ~~telephone number among law enforcement agencies and officers, or among~~  
24 ~~governmental agencies and employees engaged in official government business.~~

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

3 | **44-04-18.3. Records of juvenile court supervisors and probation officers and law**  
4 **enforcement and correctional employees - Law enforcement work schedules -**  
5 **Confidential informants.**

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

1 not otherwise publicly known, is confidential and may be disclosed only as permitted  
2 by law.

3 5. A home address of an individual in subsection 1 which is included in a geographic  
4 information system, a property title record, or tax parcel data is confidential only if an  
5 individual in subsection 1 or the individual's employer submits a written request to the  
6 custodian of the records. The request will remain confidential for the remainder of a  
7 calendar year and must be renewed annually.

8 6. Except as otherwise provided by law, the identity and any contact information of a law  
9 enforcement officer involved in a critical incident is a confidential record until internal  
10 investigations are complete. As used in this subsection, "critical incident" means:

11 a. An on or off-duty officer-involved shooting;

12 b. An on-duty officer motor vehicle collision involving death or serious bodily injury;

13 or

14 c. Any other on-duty officer incident resulting in death or serious bodily injury.

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

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

20 a. The dissemination of a defendant's address and telephone number among law  
21 enforcement agencies and officers, or among governmental agencies and  
22 employees engaged in official government business;

23 b. Releasing the name of the city and state in which a defendant resides; or

24 c. Releasing the home address and any telephone number as authorized in writing  
25 by the defendant.