

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2216

Introduced by

Senator Cleary

Representative Roers Jones

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

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

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

8 **44-04-18.3. Records of juvenile court supervisors and probation officers and law**  
9 **enforcement and correctional employees - Law enforcement work schedules -**  
10 **Confidential informants.**

11 1. Except as provided in subsection 5, a telephone number and the home address of a  
12 prosecutor, supreme court justice, district court judge, judicial referee, juvenile court  
13 director or probation officer, an employee of a law enforcement agency, employee of a  
14 state or local correctional facility, and an employee of the department of corrections  
15 and rehabilitation are confidential. Information contained in a personnel record of an  
16 employee of the department of corrections and rehabilitation may not be disclosed to  
17 an inmate in the legal custody of the department of corrections and rehabilitation  
18 confined in a jail, prison, or other correctional facility unless authorized by the director  
19 of the department of corrections and rehabilitation. Information contained in a  
20 personnel record of a law enforcement officer of a state or local law enforcement  
21 agency or in the personnel record of a correctional employee of a correctional facility  
22 subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state  
23 correctional facility or correctional facility subject to chapter 12-44.1 unless authorized  
24 by the employing agency.

- 1           2. Records or other information that would reveal the identity, or endanger the life or  
2           physical well-being, of an undercover law enforcement officer is confidential. For  
3           purposes of this subsection, an "undercover law enforcement officer" means a  
4           full-time, salaried employee of a local or state law enforcement agency who acts  
5           surreptitiously or poses as someone other than a law enforcement officer while  
6           engaging in the investigation of a violation of law.
- 7           3. Any record containing the work schedule of employees of a law enforcement agency is  
8           exempt.
- 9           4. A law enforcement officer or prosecutor, within the scope of the employment of the  
10          officer or prosecutor, may provide assurances of confidentiality to a person providing  
11          information regarding violations of the law. Any information that would identify or  
12          provide a means of identifying a confidential informant, if the identity of the informant is  
13          not otherwise publicly known, is confidential and may be disclosed only as permitted  
14          by law.
- 15          5. A home address of an individual in subsection 1 which is included in a geographic  
16          information system, a property title record, or tax parcel data is confidential only if an  
17          individual in subsection 1 or the individual's employer submits a written request to the  
18          custodian of the records. The request will remain confidential for the remainder of a  
19          calendar year and must be renewed annually.
- 20          6. Except as otherwise provided by law, the identity and any contact information of a law  
21          enforcement officer involved in a critical incident is a confidential record until internal  
22          investigations are complete. As used in this subsection, "critical incident" means:
- 23               a. An on or off-duty officer-involved shooting;  
24               b. An on-duty officer motor vehicle collision involving death or serious bodily injury;  
25               or  
26               c. Any other on-duty officer incident resulting in death or serious bodily injury.

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

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

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