

HOUSE JUDICIARY COMMITTEE
MONDAY, FEBRUARY 10, 2025, AT 9:30 A.M.

TESTIMONY OF ANNIQUE M. LOCKARD
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1499

Mr. Chairman, members of the Committee.

I am Annique Lockard, Assistant Attorney General, with the General Counsel Division, and I appear on behalf of the Attorney General in support of House Bill 1499. Chairman Klemin, thank you again for introducing and sponsoring this bill at our request.

This bill simply expands the confidentiality of telephone numbers and home addresses of specific public employees listed in N.D.C.C. § 44-04-18.3(1) to include federal judges and justices.

The original language of Subsection 1 of N.D.C.C. 44-04-18.3, created by the Legislative Assembly in 1995, made “any telephone number and the home address” of employees of law enforcement agencies, state or local correctional facilities, or the department of corrections and rehabilitation confidential.¹ In 2003, juvenile court supervisors and probation officers were added.² Most recently, in the 2021 legislative session,³ Highway Patrol requested the addition of “prosecutor, district court judge, judicial referee”⁴ and the State Court Administrator’s Office asked for an amendment to add “supreme court justice.”⁵ At that time, it was thought that federal judges’ information was protected by state law or would be more expansively protected by federal law soon.

¹ S.L. 1995, ch. 428, § 1.

² S.L. 2003, ch. 383, § 1. (Supervisor was changed to the current director language in 2011. See S.L. 2011, ch. 332, Sec. 6)

³ S.B. 2276, 67th Legislative Assembly (2021).

⁴ Testimony of Major Hummel, S.B. 2276, Senate Judiciary, Feb. 3, 2021.

⁵ Testimony of Sara Behrens, S.B. 2276, House Judiciary, Mar. 22, 2021.

“Daniel’s Law”⁶ was signed into law on December 23, 2022.⁷ The law is named after Judge Esther Salas’s son who, you may remember, tragically lost his life in an act of violence. Upon recent review of Daniel’s Law, we noticed that while Daniel’s Law does protect personal information for federal judges, including their phone numbers and addresses, it is limited to records with federal executive, judicial, or legislative agencies.⁸

Upon request from a federal judge, and to avoid any ambiguity in our state open records law, our office drafted this bill to ensure protection of our federal judges and their families the same as our state judges and others listed in Subsection 1 of N.D.C.C. § 44-04-18.3.

For these reasons, the Office of Attorney General recommends a do pass on HB 1186. Thank you for your time and consideration, and I would stand for any questions.

⁶ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117–263, 136 Stat. 2395 (3458-3469), subtitled “Daniel Anderl Judicial Security and Privacy Act of 2022.”

⁷ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117–263, 136 Stat. 2395.

⁸ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117–263, 136 Stat. 2395 (3461).