

2025 HOUSE JUDICIARY

HB 1499

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1499
2/10/2025

A BILL for an Act to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota Century Code, relating to confidential records related to a justice of the United States, federal judge, or magistrate judge.

9:47 a.m. Vice-Chair Karls opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Inclusion of legislators within the bill
- Information considered confidential under the bill

9:48 a.m. Representative Lawrence Klemin, North Dakota Representative for District 47, introduced the bill.

9:51 a.m. Annique Lockard, North Dakota Assistant Attorney General, testified in favor and provided testimony #36294.

9:56 a.m. Representative Schneider moved a Do Pass.

9:56 a.m. Representative Vetter seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	Y
Representative Daniel Johnston	N
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	N

9:57 a.m. Motion passed 10-4-0

9:58 a.m. Representative Vetter will carry the bill.

Additional written testimony:

Daniel Traynor, U.S. District Judge for the U.S. District Court, submitted testimony in favor
#36357

9:58 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1499 ([25.1174.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1499 was placed on the Eleventh order on the calendar.

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).

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

Post Office Box 670
220 East Rosser Avenue, Suite 411
Bismarck, North Dakota 58502-0670



February 8, 2025

Honorable Lawrence R. Klemin
Chairman
House Judiciary Committee
North Dakota House of Representatives
State Capitol
660 East Boulevard
Bismarck, ND 58505-0360

VIA EMAIL: lklemin@ndlegis.gov

Re: HB 1499 Regarding Judicial Security

Dear Chairman Klemin and Members of the House Judiciary Committee:

I write in support of House Bill 1499 introduced by Chairman Lawrence Klemin at the request of Attorney General Drew H. Wrigley. HB 1499 seeks to clarify the interpretation of Section 44-04-18.3, N.D.C.C., to ensure it is applicable to the federal judicial officers.

In July of 2020, an attorney posing as a package delivery driver approached the house of United States District Judge Esther Salas. The attacker targeted Judge Salas's home and was able to find her address and other identifying information from tax and other government records. The attacker rang her doorbell. Judge Salas's son, Daniel Anderl, answered the door and was shot to death. Her husband was shot and gravely injured.

Congress responded to this attack by enacting a judicial security law to make it harder for violent individuals to find judges' addresses and other personal information online. See Daniel Anderl Judicial Security and Privacy Act of 2021. S. 2340, 117th Cong. (2021). North Dakota also responded by amending Section 44-04-18.3, N.D.C.C., to guard the disclosure of identifying information of a "prosecutor, supreme court justice, [and] district court judge. . . ." See 2021 N.D. Sess. Laws Ch. 329, § 1. House Bill 1499 seeks to clarify that certain identifying information of all federal judges are similarly protected.

Attacks on the judiciary have increased over the past decade. Serious threats against federal judges alone have more than doubled, from 220 in 2020 to 457 in 2023, according to the U.S. Marshals Service. In fiscal year 2024 there were 822 threats and inappropriate communications against

persons protected by the U.S. Marshals Service. There has been more than a 400% increase in threats to federal judges, federal prosecutors and court officials over the past decade. There is no nationwide data on the number and types of attacks on state court judges and prosecutors.

North Dakota judges are not immune from these types of attacks. My predecessor, U.S. District Judge Ronald Davies, was physically threatened regarding his decision to enforce the desegregation decision in Brown v. Board of Education requiring the attendance of nine African American children who were the first to attend Little Rock Central High School. In 1977, Federal Marshals were assigned to protect U.S. District Judge Paul Benson and Federal Prosecutor Lynn Crooks during and after the Leonard Peltier trial in Fargo. On May 5, 1992, State District Court Judge Lawrence Jahnke was shot and seriously injured during a child support hearing at the Grand Forks County Courthouse.

I respectfully request your committee provide a "Do Pass" recommendation to the North Dakota House of Representatives with regard to House Bill 1499.

Thank you for your consideration of this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dan Traynor", written in a cursive style.

Daniel Mack Traynor
United States District Judge
District of North Dakota

cc: Honorable Peter D. Welte, Chief Judge
Honorable Drew H. Wrigley, Attorney General

2025 SENATE JUDICIARY

HB 1499

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1499
4/9/2025

A BILL for an Act to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota Century Code, relating to confidential records related to a justice of the United States, federal judge, or magistrate judge.

11:00 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Federal judges' security
- Sunshine law provisions
- Increase in threats to judges

11:00 a.m. Representative Klemin introduced the bill and submitted testimony in favor #44697, #44698, #44699, and #44700.

11:02 a.m. Annique M. Lockard, Assistant Attorney General, Attorney General Office, testified in favor and submitted testimony #44807.

11:05 a.m. Chair Larson closed the hearing.

11:06 a.m. Senator Luick moved a Do Pass.

11:06 a.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

11:06 a.m. Senator Luick will carry the bill.

11:07 a.m. Chair Larson adjourned.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1499 ([25.1174.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1499 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY OF REP. LAWRENCE R. KLEMIN
SENATE JUDICIARY COMMITTEE
HOUSE BILL NO. 1499
APRIL 9, 2025

Members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1499. This bill relates to a confidential records exception for a Justice of the United States, federal judge, or magistrate judge.

The “Sunshine Law” in the North Dakota Constitution requires records of governmental bodies to be open to the public unless otherwise provided by law. Article XI, Section 6 provides:

Section 6. [Open records]

Unless otherwise provided by law, all **records** of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.

Section 44-04-17(3) of the North Dakota Century Code defines a “**confidential record**” as follows:

3. “Confidential meeting” or “**confidential record**” means all or part of a record or meeting that is either expressly declared confidential or is prohibited from being open to the public.

Section 44-04-18.3 currently provides that the telephone number and home address of prosecutors, state court officials, law enforcement employees, and correctional facility employees are confidential records and may not be disclosed. The purpose of HB 1499 is to add Justices of the United States, federal court judges, and magistrate judges to the list of people whose telephone numbers and home addresses are confidential records and may not be disclosed. Federal justices and judges should be protected the same as state court justices and judges. A complete copy of Section 44-04-18.3 is attached to my testimony for your ease of reference.

Also attached to my testimony is a letter from U.S. District Judge Daniel Traynor of Bismarck citing incidents in the past decade where state and federal judges have been attacked. Serious threats to judges have increased by more than 400%.

Members of the Committee, I urge you to include federal court officials in Section 44-04-18.3 and to recommend “do pass” on HB 1499. Thank you.

Rep. Lawrence R. Klemin
District 47, Bismarck

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

Post Office Box 670
220 East Rosser Avenue, Suite 411
Bismarck, North Dakota 58502-0670



February 8, 2025

Honorable Lawrence R. Klemin
Chairman
House Judiciary Committee
North Dakota House of Representatives
State Capitol
660 East Boulevard
Bismarck, ND 58505-0360

VIA EMAIL: lklemin@ndlegis.gov

Re: HB 1499 Regarding Judicial Security

Dear Chairman Klemin and Members of the House Judiciary Committee:

I write in support of House Bill 1499 introduced by Chairman Lawrence Klemin at the request of Attorney General Drew H. Wrigley. HB 1499 seeks to clarify the interpretation of Section 44-04-18.3, N.D.C.C., to ensure it is applicable to the federal judicial officers.

In July of 2020, an attorney posing as a package delivery driver approached the house of United States District Judge Esther Salas. The attacker targeted Judge Salas's home and was able to find her address and other identifying information from tax and other government records. The attacker rang her doorbell. Judge Salas's son, Daniel Anderl, answered the door and was shot to death. Her husband was shot and gravely injured.

Congress responded to this attack by enacting a judicial security law to make it harder for violent individuals to find judges' addresses and other personal information online. See Daniel Anderl Judicial Security and Privacy Act of 2021. S. 2340, 117th Cong. (2021). North Dakota also responded by amending Section 44-04-18.3, N.D.C.C., to guard the disclosure of identifying information of a "prosecutor, supreme court justice, [and] district court judge. . . ." See 2021 N.D. Sess. Laws Ch. 329, § 1. House Bill 1499 seeks to clarify that certain identifying information of all federal judges are similarly protected.

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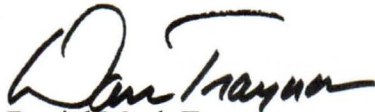
persons protected by the U.S. Marshals Service. There has been more than a 400% increase in threats to federal judges, federal prosecutors and court officials over the past decade. There is no nationwide data on the number and types of attacks on state court judges and prosecutors.

North Dakota judges are not immune from these types of attacks. My predecessor, U.S. District Judge Ronald Davies, was physically threatened regarding his decision to enforce the desegregation decision in Brown v. Board of Education requiring the attendance of nine African American children who were the first to attend Little Rock Central High School. In 1977, Federal Marshals were assigned to protect U.S. District Judge Paul Benson and Federal Prosecutor Lynn Crooks during and after the Leonard Peltier trial in Fargo. On May 5, 1992, State District Court Judge Lawrence Jahnke was shot and seriously injured during a child support hearing at the Grand Forks County Courthouse.

I respectfully request your committee provide a "Do Pass" recommendation to the North Dakota House of Representatives with regard to House Bill 1499.

Thank you for your consideration of this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dan Traynor", written in a cursive style.

Daniel Mack Traynor
United States District Judge
District of North Dakota

cc: Honorable Peter D. Welte, Chief Judge
Honorable Drew H. Wrigley, Attorney General

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1499

Introduced by

Representative Klemin

Senator Larson

1 A BILL for an Act to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota
2 Century Code, relating to confidential records related to a justice of the United States, federal
3 judge, or magistrate judge.

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

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

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

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.

History

Source:

S.L. 1989, ch. 541, § 1; 1995, ch. 428, § 1; 1997, ch. 381, § 7; 2003, ch. 383, § 1; 2009, ch. 384, § 2; 2011, ch. 332, § 6; 2015, ch. 310, § 2, effective August 1, 2015; 2021, ch. 329, § 1, effective August 1, 2021.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Lawrence R. Klemin

District 47
3929 Valley Drive
Bismarck, ND 58503-1729
lklemin@ndlegis.gov

COMMITTEES:

Judiciary, Chairman
Political Subdivisions

TESTIMONY OF REP. LAWRENCE R. KLEMIN SENATE JUDICIARY COMMITTEE HOUSE BILL NO. 1226 APRIL 8, 2025

Members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill 1226 relating to wearing a mask in a public place.

House Bill 1226 updates Section 12.1-31-15 of the criminal code, which was enacted in the 2017 Legislative Session in response to the protests over the Dakota Access Pipeline (DAPL) that was being constructed in Morton County. During those protests there were numerous people wearing masks so that they could not be identified by the public and law enforcement while committing criminal mischief related to the pipeline project.

Last year, as a result of the hostilities between Israel and Hamas in Palestine and Gaza, there were numerous protests in the United States on university campuses and other public places resulting in the occupation and damage to public property by the protesters. Many of the protesters wore masks so that they could not be identified by university officials and law enforcement. HB 1226 amends our current law to cover the situation where groups of individuals acting together are wearing masks to conceal their identities despite a request by law enforcement to unmask. There is an exception for public gatherings to celebrate Halloween, a masquerade, or other similar celebrations. There is no change in the penalty in our law as it remains a class A misdemeanor.

I would like to introduce Hannah Meyers of the Manhattan Institute. I have invited her to speak at this hearing as an expert witness to provide you with more information about the need to update our law on the wearing of masks.

Rep. Lawrence R. Klemin
District 47, Bismarck



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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(701) 328-2210

SENATE JUDICIARY COMMITTEE
APRIL 9, 2025

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

Chair Larson and Members of the Committee:

I am Annique Lockard, an Assistant Attorney General, with the General Counsel Division, and I appear on behalf of the Attorney General in support of House Bill 1499.

Under current law, N.D.C.C. § 44-04-18.3(1), telephone numbers and home addresses of prosecutors, supreme court justices, district court judges, judicial referees, juvenile court directors, probation officers, employees of law enforcement agencies, employees of state or local correctional facilities, and employees of the department of corrections and rehabilitation are confidential. This bill clarifies and expands that protection to federal judges, magistrates, and U.S. Supreme Court justices.

North Dakota has recognized, and expanded, protections for telephone numbers and home addresses for public employees involved with the criminal justice system for almost 30 years. Telephone numbers and the home address of employees of law enforcement agencies, state or local correctional facilities, or the department of corrections and rehabilitation have been confidential under North Dakota law since 1995.¹ Juvenile court supervisors and probation officers were added in 2003.² During the 2021 legislative session,³ at the request of Highway

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, § 6).

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

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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(701) 328-2210

Patrol, prosecutors, district court judges, and judicial referees, were added.⁴ In the same bill, the State Court Administrator's Office asked to add supreme court justices.⁵ At that time, it was thought that federal judges' information was already, or would soon be, protected by federal law.

On December 23, 2022, "Daniel's Law"⁶ was signed into law.⁷ That law is named after Judge Esther Salas's son who, you may remember, tragically lost his life in an act of violence targeting her home. Upon recent review of Daniel's Law, we noticed that while it does protect personal information for federal judges, including their phone numbers and addresses, the protection is limited to records with federal executive, judicial, or legislative agencies.⁸

Upon request from a federal judge and to avoid ambiguity in our state open records law, our office drafted this bill to make clear that our federal judges and their families are protected the same as our state judges and other public employees 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 1499. Thank you for your time and consideration, and I would stand for any questions.

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.

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."

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