

HOUSE BILL NO. 1146

Introduced by

Representative DeKrey

Senator Lyson

1 A BILL for an Act to amend and reenact subsection 1 of section 54-61-01 and section 54-61-04
2 of the North Dakota Century Code, relating to the commission on legal counsel for indigents.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-61-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 1. The commission on legal counsel for indigents is established for the purpose of
7 developing and monitoring a process for the delivery of state-funded legal counsel
8 services for indigents which are required under the Constitution of North Dakota
9 and the United States Constitution and any applicable statute or court rule. The
10 commission shall provide indigent defense services for ~~those~~ indigent individuals
11 determined by the court to be eligible for and in need of those services pursuant to
12 the standards and policies of the commission governing eligibility for such services.

13 **SECTION 2. AMENDMENT.** Section 54-61-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **54-61-04. Records, files, and information - Accessibility - Confidentiality.** Any file,
16 record, or information regarding representation of a ~~defendant~~ party under sections 54-61-01
17 through 54-61-03 which are attorney work-product or otherwise subject to any attorney-client
18 privilege are confidential and may not be disclosed except in accordance with a court order or in
19 response to applicable discovery rules. All other case-related records are exempt from
20 disclosure except as otherwise provided in rules adopted by the commission. Information or
21 records obtained by the commission relating to allegations of misconduct by an attorney in the
22 employ of, or providing indigent services for, the commission are exempt from disclosure except
23 as otherwise provided in rules adopted by the commission unless and until the matter is
24 referred for formal disposition under rules adopted by the supreme court.