

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1235**

Introduced by

Representatives K. Koppelman, Delmore, Heinert, Kasper, Lefor, Roers Jones, Sukut

Senators Armstrong, Holmberg, D. Larson, G. Lee, Unruh

1 A BILL for an Act to create and enact subsections 4, 5, and 6 to section 54-61-02 of the North
2 Dakota Century Code, relating to access to confidential records by the commission on legal
3 counsel for indigents.

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

5 **SECTION 1.** Subsection 4 to section 54-61-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 4. Notwithstanding any provision of state law making the records confidential, but subject
8 to any prohibitions in federal law, in addition to or in lieu of a subpoena, in determining
9 eligibility for public defender services the commission may obtain access, including
10 automated access in the case of records maintained in automated databases, to:

11 a. All records of other state and local government agencies, including:

12 (1) Vital statistics, including records of marriage, birth, and divorce;

13 (2) Local tax and revenue records, including information on residence address,
14 employer, income, and assets;

15 (3) Records concerning real and titled personal property;

16 (4) Records of occupational and professional licenses and records concerning
17 the ownership and control of corporations, partnerships, and other business
18 entities;

19 (5) Employment security records;

20 (6) Records of all agencies administering public assistance programs;

21 (7) Records of the department of transportation, which access is not subject to
22 the requirements in section 39-16-03;

23 (8) Corrections records;

24 (9) Law enforcement records; and

1 (10) Subject to an agreement with the state tax commissioner, state tax and
2 revenue records, including information on residence address, employer,
3 income, and assets; and

4 b. Certain information contained in records held by private entities, subject to
5 safeguards on privacy and information security, consisting of:

6 (1) The name, address, social security number, and other requested relevant
7 income or asset information of the individual and the name and address of
8 the employer of the individual, as appearing in customer records of public
9 utilities, including cellular and wireless telephone service providers and
10 cable television companies, pursuant to an administrative subpoena if
11 requested; and

12 (2) Information on assets and liabilities of the individual held by financial
13 institutions.

14 **SECTION 2.** Subsection 5 to section 54-61-02 of the North Dakota Century Code is created
15 and enacted as follows:

16 5. If a government agency or private entity denies the commission access to records
17 under subsection 4, the denial must include a statement of the legal authority for the
18 denial.

19 **SECTION 3.** Subsection 6 to section 54-61-02 of the North Dakota Century Code is created
20 and enacted as follows:

21 6. In determining eligibility for public defender services the commission may obtain
22 access to workforce safety and insurance records pursuant to section 65-05-32.