

SENATE BILL NO. 2276

Introduced by

Senators Lee, Dwyer, Hogue

Representatives Nathe, Roers Jones

1 A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code,
2 relating to confidentiality of law enforcement personnel records.

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

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

6 **44-04-18.3. Records of juvenile court supervisors and probation officers and law**
7 **enforcement and correctional employees - Law enforcement work schedules -**
8 **Confidential informants.**

- 9 1. ~~Any~~Except as provided in subsection 5, a telephone number and the home address ~~in~~
10 ~~any personnel record~~ of a prosecutor, district court judge, judicial referee, juvenile
11 court director or probation officer, an employee of a law enforcement agency,
12 employee of a state or local correctional facility, and an employee of the department of
13 corrections and rehabilitation are confidential. Information contained in a personnel
14 record of an employee of the department of corrections and rehabilitation may not be
15 disclosed to an inmate in the legal custody of the department of corrections and
16 rehabilitation confined in a jail, prison, or other correctional facility unless authorized
17 by the director of the department of corrections and rehabilitation. Information
18 contained in a personnel record of a law enforcement officer of a state or local law
19 enforcement agency or in the personnel record of a correctional employee of a
20 correctional facility subject to chapter 12-44.1 may not be disclosed to an inmate
21 confined in a state correctional facility or correctional facility subject to chapter 12-44.1
22 unless authorized by the employing agency.
- 23 2. Records or other information that would reveal the identity, or endanger the life or
24 physical well-being, of an undercover law enforcement officer is confidential. For

1 purposes of this subsection, an "undercover law enforcement officer" means a
2 full-time, salaried employee of a local or state law enforcement agency who acts
3 surreptitiously or poses as someone other than a law enforcement officer while
4 engaging in the investigation of a violation of law.

5 3. Any record containing the work schedule of employees of a law enforcement agency is
6 exempt.

7 4. A law enforcement officer or prosecutor, within the scope of the employment of the
8 officer or prosecutor, may provide assurances of confidentiality to a person providing
9 information regarding violations of the law. Any information that would identify or
10 provide a means of identifying a confidential informant, if the identity of the informant is
11 not otherwise publicly known, is confidential and may be disclosed only as permitted
12 by law.

13 5. An address of an individual in subsection 1 which is included in a geographic
14 information system, a property title record, or tax parcel data is an exempt record.
15 ~~However, the address may not be accessible to the public through the geographic~~
16 ~~information system, property title record, or tax parcel data via a search of the~~
17 ~~individual's name only.~~upon request of an individual in subsection 1 or the individual's
18 employer, the information is confidential for the remainder of the calendar year.
19 Requests must be made by the individual in subsection 1 or the individual's employer
20 annually to maintain the confidentiality for subsequent years.