

Sixty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED 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 of  
10 a prosecutor, supreme court justice, district court judge, judicial referee, juvenile court  
11 director or probation officer, an employee of a law enforcement agency, employee of a  
12 state or local correctional facility, and an employee of the department of corrections  
13 and rehabilitation are confidential. Information contained in a personnel record of an  
14 employee of the department of corrections and rehabilitation may not be disclosed to  
15 an inmate in the legal custody of the department of corrections and rehabilitation  
16 confined in a jail, prison, or other correctional facility unless authorized by the director  
17 of the department of corrections and rehabilitation. Information contained in a  
18 personnel record of a law enforcement officer of a state or local law enforcement  
19 agency or in the personnel record of a correctional employee of a correctional facility  
20 subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state  
21 correctional facility or correctional facility subject to chapter 12-44.1 unless authorized  
22 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~~A home 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 confidential only if an individual in subsection 1 or the individual's employer submits a  
16 written request to the custodian of the records. The request will remain confidential for  
17 the remainder of a calendar year and must be renewed annually. However, upon  
18 request of an individual in subsection 1 or the individual's employer, the information is  
19 confidential for the remainder of the calendar year. Requests must be made by the  
20 individual in subsection 1 or the individual's employer annually to maintain the  
21 confidentially for subsequent years.