

**Senate Bill 2276**  
**Senate Judiciary Committee**  
**Senator Diane Larson, Chairman**  
**February 3, 2021**

Chairman Larson and members of the Senate Judiciary Committee, my name is Major Aaron Hummel, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2276, but feel some language needs to be amended.

In light of things going on around the country, I feel the expansion of those officials protected under 44-04-18.3 by adding prosecutors, district court judges, and judicial referees is appropriate. Under the current law, the phone number and home address of those officials is a confidential record and shall not be made public.

There are a couple points I would like to provide additional clarification on and recommend an amendment.

First, the bill adds the language in lines 9-10 on page 1, "in any personnel record." What this language does is narrow the scope of confidential records only to personnel records held by entities. Current law encompasses all records containing the phone number and home address. For example, a state trooper in the course of their employment or otherwise, could have their home address listed on a state crash report and that information is an open record to anyone. We have worked with the ND Department of transportation over time to try and keep that information confidential. I can't list all other records held by entities that may contain that information, but in any regard, adding the language in the bill would open those records up potentially revealing the address and phone number.

The second area I believe needs to be addressed is the exception provided in page 1 subsection 1, line 9 and outlined in page 2 with the addition of subsection 5, lines 13-17. As provided in the bill, the language makes GIS, title, and tax records held by entities exempt records, which allows for the discretionary release. These are the most common records that the public would have access to and you can find them on many county websites. There certainly needs to be some work done in this area, but the language provided will make these records no longer confidential which is concerning. As an agency we have, and I believe other law enforcement agencies in the Bismarck-Mandan areas have worked with the county tax officials to ensure their information is updated annually to ensure those records aren't being released. As an agency we have been updating our employee list and allowing our employees not to be listed if they chose and we provide the list to the entities holding those records. By having the information not listed publicly, it does create some hassles if the individual is working with people like realtors and insurance adjusters who use that information regularly. In those cases, the individual whose records are protected would have the additional

burden of retrieving those records. There definitely needs to a balance struck between convenience and privacy.

The amendment I have provided replaces page 2 subsection 5 with the following language:

“An address of an individual in subsection 1 which is included in a geographic information system, a property title record, or tax parcel data is an exempt record. However, upon request of an individual in subsection 1 or their employer, the information shall be confidential for the remainder of the calendar year. Requests must be made by individuals in subsection 1 or their employers annually to maintain the confidentiality for subsequent years.”

In my discussions with Mr. Birst and Senator Lee, I believe this accomplishes the goal that was sought with this bill. It still maintains the confidentiality of the protected officials phone and home address, but it does put the responsibility on the individual or the agency to request their phone and home address records be made confidential, while making it reasonable for those entities holding the records to actually maintain the confidentiality.

Thank you Chairman Larson and members of the committee, this concludes my testimony and I would be glad to answer any questions you may have.

## PROPOSED AMENDMENTS TO SENATE BILL 2276

### **44-04-18.3 Records of juvenile court supervisors and probation officers and law enforcement and correctional employees – Law enforcement work schedules – Confidential Informants.**

Page 1, subsection 1, lines 9-10 replace with:

“Except as provided in subsection 5, a telephone number and home address of a prosecutor, district court judge, judicial referee, judicial” (removes “in any personnel record”)

Page 2, subsection 5, remove lines 13-17, replace with:

“An address of an individual in subsection 1 which is included in a geographic information system, a property title record, or tax parcel data is an exempt record. However, upon request of an individual in subsection 1 or their employer, the information shall be confidential for the remainder of the calendar year. Requests must be made by individuals in subsection 1 or their employers annually to maintain the confidentiality for subsequent years.”

Re-number accordingly.