

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

400U0533

## HOUSE BILL NO. 1109

Introduced by: The Committee on State Affairs at the request of the Office of the Governor  
and the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to provide that criminal booking photos and police logs are  
2 open records.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23-5-7 be amended to read as follows:

5 23-5-7. All photographs, impressions, measurements, descriptions, or records including  
6 confidential criminal investigative information, taken or made as provided for in § 23-5-6 shall  
7 be filed and preserved by the department or institution where made or taken and ~~shall~~ may not  
8 be published, transferred, or circulated outside such department or institutions, nor exhibited  
9 to the public or any person or persons except duly authorized law enforcement officers unless  
10 the subject of such ~~photograph~~, measurement, description, or other record becomes a fugitive  
11 from justice, or escapes from a penal institution. However, this section ~~shall~~ does not apply to  
12 the release of information allowed pursuant to § 24-2-20. Any criminal booking photograph is  
13 a public record pursuant to chapter 1-27.

14 Section 2. That § 23-5-11 be amended to read as follows:

15 23-5-11. Confidential criminal justice information and criminal history information are



1 specifically exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15, inclusive, and may be  
2 withheld by the lawful custodian of the records. Information about calls for service revealing  
3 the date, time, and general location and general subject matter of the call is not confidential  
4 criminal justice information and ~~may~~ shall be released to the public, ~~at the discretion of the~~  
5 ~~executive of the law enforcement agency involved~~; unless the information contains criminal  
6 intelligence or identity information that would jeopardize an ongoing investigation. The  
7 provisions of this section do not supersede more specific provisions regarding public access or  
8 confidentiality elsewhere in state or federal law.