

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0274

HOUSE ENGROSSED NO. **SB 25** - 3/7/2017

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney
General

1 FOR AN ACT ENTITLED, An Act to provide for the release of certain booking photographs.

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

3 Section 1. That § 23-5-7 be amended to read:

4 23-5-7. ~~All photographs, impressions, measurements, descriptions, or records~~ Any

5 department or institution that makes or takes any photograph, impression, measurement,

6 description, or record including confidential criminal investigative information, taken or made

7 as provided for in § 23-5-6 shall be filed and preserved by the department or institution ~~where~~

8 ~~made or taken and shall not be published, transferred, or circulated.~~ The department or

9 institution may not publish, transfer, or circulate any impression, measurement, description,

10 record, or photograph, except a criminal booking photograph, for a crime classified as a felony

11 pursuant to § 22-6-1 outside ~~such the~~ department or ~~institutions, nor exhibited to the public or~~

12 ~~any person or persons~~ institution except to a duly authorized law enforcement ~~officers unless~~

13 officer. ~~If the subject of such photograph,~~ a measurement, description, or other record becomes

14 a fugitive from justice, or escapes from a penal institution then the measurement, description,

15 or record may be exhibited to the public. ~~However, this~~ This section shall does not apply to the



1 release of information allowed pursuant to § 24-2-20. Any criminal booking photograph for a
2 crime classified as a felony pursuant to § 22-6-1 is a public record pursuant to chapter 1-27.

3 Nothing in this section requires any law enforcement agency to provide or reproduce a
4 criminal booking photograph older than six months from the date the criminal booking
5 photograph was taken. An agency requested to provide or reproduce a criminal booking
6 photograph is entitled to recover costs of retrieval or reproduction pursuant to § 1-27-35.