

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

268H0603

## SENATE BILL NO. 101

Introduced by: Senators Albers, Ham, Kleven, and Madden and Representatives Hennies  
(Thomas), Abdallah, Duniphan, and Madsen

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

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 to  
9 the public or ~~any person or persons~~ anyone except duly authorized law enforcement officers  
10 unless the subject of such photograph, measurement, description, or other record becomes a  
11 fugitive from justice, or escapes from a penal institution. However, this section ~~shall~~ does not  
12 apply to the release of information allowed pursuant to § 24-2-20 or to the release of the  
13 subject's booking photographs if requested by the public for any lawful purpose.

