

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

455J0378

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 60** - 01/28/2004

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

1 FOR AN ACT ENTITLED, An Act to make certain information kept by a law enforcement
2 agency concerning calls for service available to the public.

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

4 Section 1. That § 23-5-10 be amended to read as follows:

5 23-5-10. Terms used in §§ 23-5-10 to 23-5-13, inclusive, mean:

- 6 (1) "Confidential criminal justice information," criminal identification information
7 compiled pursuant to chapter 23-5, criminal intelligence information, criminal
8 investigative information, criminal statistics information made confidential pursuant
9 to § 23-6-14, and criminal justice information otherwise made confidential by law;
- 10 (2) "Criminal history information," arrest information, conviction information,
11 disposition information and correction information compiled by the attorney general
12 pursuant to chapter 23-5, commonly referred to as a "rap sheet";
- 13 (3) "Criminal intelligence information," information associated with an identifiable
14 individual, group, organization, or event compiled by a law enforcement agency: in
15 the course of conducting an investigation into a criminal conspiracy, projecting a



1 potential criminal operation, or producing an estimate of future criminal activities;
2 or in relation to the reliability of information derived from reports of informants or
3 investigators or from any type of surveillance;

4 (4) "Criminal investigative information," information associated with an individual,
5 group, organization, or event compiled by a law enforcement agency in the course of
6 conducting an investigation of a crime or crimes. This includes information about a
7 crime or crimes derived from reports of officers, deputies, agents, informants, or
8 investigators or from any type of surveillance;

9 (5) "Call for service," an event occurring in or near the jurisdiction of a law enforcement
10 agency that requires law enforcement response, evaluation, action, or documentation.

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

12 23-5-11. ~~Section~~ The provisions of § 1-27-1 does do not apply to confidential criminal
13 justice information. Information about calls for service revealing the date, time, and general
14 location and general subject matter of the call is not confidential criminal justice information
15 and may be released to the public, at the discretion of the executive of the law enforcement
16 agency involved, unless the information contains intelligence or identity information that would
17 jeopardize an ongoing investigation. The provisions of this section do not supersede more
18 specific provisions regarding public access or confidentiality elsewhere in state or federal law.