

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

455J0380

## SENATE BILL NO. 61

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 permit certain officers to authorize that booking  
2 photographs be made public.

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. Further, a booking photograph may  
13 be made public at the discretion of the executive officer of the arresting agency.

