

**HOUSE BILL NO. 1296**

Introduced by

Representatives Roers Jones, Boschee, Lefor, Mock, Pyle

Senators Dwyer, Lee, Oban, K. Roers

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota  
2 Century Code, relating to the confidentiality of booking photos; and to amend and reenact  
3 subsection 2 of section 44-04-18.7 of the North Dakota Century Code, relating to criminal  
4 information.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Prohibition - Booking photo - Confidential.**

- 9 1. Unless there is a compelling public safety or law enforcement interest warranting  
10 release, the booking photo of an inmatearrestee is a confidential record until the  
11 inmatearrestee:
- 12 a. Fails to appear for court;
  - 13 b. Is a fugitive from justice; or
  - 14 c. Is convicted of the offense for which the inmatearrestee was arrested or an  
15 offense related to the offense for which the inmatearrestee was arrested.
- 16 2. This section does not prohibit the dissemination of booking photos among or on behalf  
17 of law enforcement agencies or officers.

18 **SECTION 2. AMENDMENT.** Subsection 2 of section 44-04-18.7 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20 2. "Criminal intelligence and investigative information" does not include:
- 21 a. Arrestee description, including name, date of birth, address, race, sex, physical  
22 description, and occupation of arrestee.
  - 23 b. Facts concerning the arrest, including the cause of arrest and the name of the  
24 arresting officer.

- 1 c. Conviction information, including the name of any person convicted of a criminal
- 2 offense.
- 3 d. Disposition of all warrants, including orders signed by a judge of any court
- 4 commanding a law enforcement officer to arrest a particular person.
- 5 e. A chronological list of incidents, including initial offense report information
- 6 showing the offense, date, time, general location, officer, and a brief summary of
- 7 what occurred.
- 8 f. A crime summary, including a departmental summary of crimes reported and
- 9 public calls for service by classification, nature, and number.
- 10 g. Radio log, including a chronological listing of the calls dispatched.
- 11 h. General registers, including jail booking information.
- 12 ~~i. Arrestee photograph, if release will not adversely affect a criminal investigation.~~