

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 arrestee is a confidential record until the arrestee:

11 a. Fails to appear for court;

12 b. Is a fugitive from justice; or

13 c. Is convicted of the offense for which the arrestee was arrested or an offense  
14 related to the offense for which the arrestee was arrested.

15 2. This section does not prohibit the dissemination of booking photos among or on behalf  
16 of law enforcement agencies or officers.

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

19 2. "Criminal intelligence and investigative information" does not include:

20 a. Arrestee description, including name, date of birth, address, race, sex, physical  
21 description, and occupation of arrestee.

22 b. Facts concerning the arrest, including the cause of arrest and the name of the  
23 arresting officer.

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- 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.~~