

March 16, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1294

Page 1, line 1, after "enact" insert "a new section to chapter 12-44.1 and"

Page 1, line 2, after the first "to" insert "the confidentiality of booking photos and"

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 2 of section 44-04-18.7 of the North Dakota Century Code, relating to criminal information;"

Page 1, after line 4, insert:

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

**Prohibition - Booking photo - Confidential.**

1. Unless there is a public safety or law enforcement interest warranting release, the booking photo of an arrestee is a confidential record until the arrestee:
  - a. Fails to appear for court;
  - b. Is a fugitive from justice; or
  - c. Is charged with the offense for which the arrestee was arrested or an offense related to the offense for which the arrestee was arrested.
2. This section does not prohibit the dissemination of booking photos among or on behalf of law enforcement agencies or officers.
3. An individual who violates this section is not subject to a penalty under section 12.1-13-01."

Page 1, after line 13, insert:

**"SECTION 3. AMENDMENT.** Subsection 2 of section 44-04-18.7 of the North Dakota Century Code is amended and reenacted as follows:

2. "Criminal intelligence and investigative information" does not include:
  - a. Arrestee description, including name, date of birth, address, race, sex, physical description, and occupation of arrestee.
  - b. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer.
  - c. Conviction information, including the name of any person convicted of a criminal offense.
  - d. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person.

- e. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred.
- f. A crime summary, including a departmental summary of crimes reported and public calls for service by classification, nature, and number.
- g. Radio log, including a chronological listing of the calls dispatched.
- h. General registers, including jail booking information.
- i. Arrestee photograph, if release will not adversely affect a criminal investigation."

Renumber accordingly