

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

590V0464

SENATE JUDICIARY ENGROSSED NO. **SB 85** 02/11/2014

Introduced by: Senators Tieszen, Brown, Frerichs, Holien, Kirkeby, Krebs, Lederman, Novstrup (Al), and Rave and Representatives Latterell, Bolin, Feinstein, Greenfield, Hajek, Hawley, Hoffman, Hunhoff (Bernie), Kaiser, Lust, Nelson, Otten (Herman), Solum, and Stalzer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding confidential criminal
2 justice information.

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

4 Section 1. That § 23-5-11 be amended to read as follows:

5 23-5-11. Confidential criminal justice information and criminal history information are
6 specifically exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15, inclusive, and may be
7 withheld by the lawful custodian of the records. Information, if maintained, about calls for
8 service revealing the date, time, and general location and general subject matter of the call is not
9 confidential criminal justice information and ~~may~~ shall be released to the public, ~~at the~~
10 ~~discretion of the executive of the law enforcement agency involved~~, unless the information
11 contains criminal intelligence ~~or~~, identity information that would jeopardize an ongoing
12 investigation, or identity information associated with a mental health or a chemical dependency
13 or abuse intervention. The provisions of this section do not supersede more specific provisions



1 regarding public access or confidentiality elsewhere in state or federal law.