

## HB 1296 – PROHIBITS RELEASE OF BOOKING PHOTO UNTIL CONVICTED

House defeated HB 1296. Similar language proposed to be added to HB 1294.

However, ND Sheriffs & Deputies continues to oppose bill for following reasons:

1. **Penalty for Release** - If Sheriff's office employee releases photo prior to conviction - that employee can be charged with a **Class C Felony**.

- Law enforcement charged with crime is career ending - jeopardizing their licensing.
- Photos are releasable after a conviction. There is nothing prohibiting the media for hanging onto these photos and using if the individual is arrested/charged for a new crime. Therefore, this can cause confusion over who released and could lead to officers being accused of releasing photo for the new crime.

### **\*\*Changed to an infraction in Senate Amendment proposal.**

2. **Program Discrepancies** - Photo taken in jail – attached to booking file. Court system utilizes Odyssey court program which isn't linked. Therefore, Sheriff's Office and Police Department may not be notified of conviction.
3. **Wrong ID** – Release of mug shots prevents an innocent individual with same name of arrestee being easily mistaken for the crime "in the news".
4. **Photos are credible source** – If photos are not released by law enforcement, media can take photos from Facebook or other public sources. There is no guarantee they are grabbing the photo of the arrestee and not someone who is not accused of the crime.
5. **Photos are used to assist in criminal investigations** - When a mug shot is provided to media and a story is ran in conjunction, other victims come forward or those with information on the accused crime provide information to further the investigation.
6. **Limits public safety awareness** – release of mug shots assists in increasing public safety awareness in our community. There is a high level of community support for the release of booking photos, to the media and public.
7. **Bill is not addressing a problem in ND – Number of individuals arrested – not charged: (less than half of one percent)**
  - *Cass County – 2019 .06% of individuals arrested not charged*
  - *Cass County – 2020 .3% of individuals arrested not charged*