

**2025 SENATE JUDICIARY**

**SB 2083**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2083  
1/8/2025

A BILL for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the designation of a sensitive image as an exempt record; and to amend and reenact section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

9:13 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

**Discussion Topics:**

- Public Release exemptions
- Body Cam and Crash Scene Images
- Legal and Judicial Impacts
- Definitions of Bodily Injury and Potential Overreach

9:13 a.m. Aaron Hummel, Chief of Staff for ND Highway Patrol, testified in favor and submitted testimony #28167.

9:27 a.m. Jaclyn Hall, Executive Director of ND Association for Justice, testified in opposition and submitted testimony #28186.

**Additional written testimony:**

Cecile Wehrman, ND Newspaper Association, submitted testimony in opposition #28108.

9:32 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

January 8, 2025

Senate Judiciary Committee SB 2083
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MADAME CHAIRMAN LARSON AND COMMITTEE MEMBERS:

My name is Cecile Wehrman. I represent the North Dakota Newspaper Association and the state's 73 member newspapers. Please accept this written testimony in opposition to Senate Bill 2083 as currently composed.

No news organization would have need or desire to publish images of nudity, grotesque injury or deceased individuals, however, we believe Section 2 should contain a qualifier as it relates to body worn camera video if release of such video is exculpatory to an issue related to officer conduct on the scene.

One of the central functions of body worn cameras by law enforcement or other emergency personnel is to create a record of actions taken by public servants. In a case in which it is alleged responder conduct was inappropriate, the release of these now exempt records would be at the sole discretion of the agency, creating the potential for the provision to be used to shield responders from scrutiny if they did something wrong.

We would support the inclusion of language addressing this concern such as:

PROPOSED AMENDMENT

On line 18, after the words "exempt record," insert "unless it contains evidence of responder misconduct"

Renumber accordingly.

Thank you for your time and consideration.



69<sup>th</sup> Legislative Assembly  
Testimony in Support of  
**Senate Bill No. 2083**  
Senate Judiciary Committee  
January 8, 2025

TESTIMONY OF

**Maj. Aaron Hummel, Chief of Staff**

Good morning, Madam Chair, and members of the committee. My name is Aaron Hummel and I serve as the chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2083.

Senate Bill 2083 was introduced at the request of the Highway Patrol with the purpose of exempting certain records that we regularly hold in our possession. These records currently do not have a specific exemption in law allowing agencies to use discretion prior to their release.

**Section 1** pertains to images obtained by body cameras or similar devices. Currently, under Subsection 9 of 44-04-18.7, of the North Dakota Century Code, "an image taken with a body camera in a private place is exempt." We are looking to add the following language:

1. "Nude or partially denuded human figures as defined in section 12.1-27.1-03.1". This section of century code specifically defines nudity. Furthermore, in 12.1-27.1-03.3 Creation, possession, or dissemination of sexually expressive images without consent of the individual under certain circumstances could be a criminal offense. There is an exemption in this statute for law enforcement to obtain these images for evidentiary purposes during the scope of employment, but we certainly don't want to be obligated to have to release those records. This change clearly gives agencies the discretion to withhold or redact records containing these images and video.
2. "An individual with serious bodily injury as defined in section 12.1-01-04." This section of century code specifically defines what serious bodily injury is. Currently, there is an exemption in century code for records related to medical treatment provided to an individual from a public entity during an emergency medical response (44-04-18.22). There are instances in law enforcement, however, where there will be images of serious bodily images of individuals who will not immediately be receiving emergency medical treatment, but the images should be treated with the same sensitivity and discretion. This addition will extend that protection to individuals regardless of if medical care is being administered at the time of the image being recorded.
3. "A deceased individual" Currently, there is no statute prohibiting the release of or allowing an agency the discretionary authority to withhold the release of these images unless the deceased is a homicide victim or victim of a fire.

**Section 2** addresses images obtained at crash scenes. These images could apply to photographic or video images. In addition to the three areas discussed in **Section 1**, a fourth section be added:

1. "Nude or partially denuded human figures as defined in section 12.1-27.1-03.1."
2. "An individual with serious bodily injury as defined in section 12.1-01-04."
3. "A deceased individual"
4. "A Minor." Currently 39-08-13 exempts specific information pertaining to minors in crash reports, this change would align and allow the release of an image of a minor obtained at a crash scene to be exempt rather than open. Additionally, there are also current exemptions for images of minors, but only if they are a victim of a crime or in crime scene images.

Although these two sections do not single handedly clean up all areas of NDCC pertaining to these types of records, they will close some gaps and provide protections and the ability for agencies to protect the release of records of individuals in their most vulnerable state and ensure that the records are being released to individuals with a bona fide need.

This concludes my testimony. I would appreciate your support for this bill, and I will stand for any questions.



**North Dakota Association for Justice**  
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Mandan, ND 58554  
*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director  
jaclyn@ndaj.org

Chairwoman Larson and members of the Senate Judiciary Committee, my name is Jaclyn Hall, and I am the Executive Director of the North Dakota Association for Justice. NDAJ is here opposed to SB 2083 as it is currently written.

SB2083 is a bill that will make certain body cam footage confidential. Our concern lies with the distribution of the exempt record 'at the discretion of the public entity' and the ability to obtain images in a civil or criminal case. Since the distribution is at the 'discretion of the entity', does that mean that in a criminal proceeding the accused may not have access to all information to provide for a fair trial?

Second, we believe that the proposed legislation is very broad as it pertains to serious bodily injury. In Chapter 12, "Serious bodily injury" means bodily injury that creates a substantial risk of death, or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone



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fracture, or impediment of air flow or blood flow to the brain or lungs. Is the intent that any crash photo/video that shows someone with a broken leg be exempt?

Today I ask the committee for a do not pass recommendation on SB 2083 or to hold off on any decision until changes can be made to ensure access to this footage remains available, secure and usable within the legal process. This will ensure we are protecting both the rights of the individuals and the integrity of the judicial system.

Thank you. I will stand for questions.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee

Peace Garden Room, State Capitol

SB 2083

1/15/2025

A BILL for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the designation of a sensitive image as an exempt record; and to amend and reenact section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

9:19 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

### Discussion Topics:

- Sensitive Image Definition
- ND Open Record Laws
- Refine definition and exemptions

9:19 a.m. Aaron Hummel, Chief of Staff for ND Highway Patrol, testified in favor submitted testimony #37759.

9:25 a.m. Senator Myrdal moved to adopt the Amendment LC# 25.8111.01001.

9:25 a.m. Senator Paulson seconded the motion.

9:26 a.m. Voice Vote. Motion Passed.

9:26 a.m. Senator Braunberger moved a Do Pass as Amended.

9:26 a.m. Senator Myrdal seconded the motion.

Roll Call Vote:

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

Senate Judiciary Committee

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Chair Larson will carry the bill.

9:27 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

January 15, 2025

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2083

Introduced by

Judiciary Committee

(At the request of the Highway Patrol)

1 A BILL ~~for an Act to create and enact a new~~ of the North Dakota Century Code, relating to  
2 ~~designating certain crash scene images as exempt records; and to amend and reenact~~  
3 ~~subsection 9 of section 44-04-18.7 of the North Dakota Century Code, relating to exempt~~  
4 ~~records related to criminal intelligence and investigation information.~~ for an Act to create and  
5 enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the  
6 designation of a sensitive image as an exempt record; and to amend and reenact section  
7 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

### 8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 ~~SECTION 1. AMENDMENT.~~ Subsection 9 of section 44-04-18.7 of the North Dakota  
10 Century Code is amended and reenacted as follows:  
11 ~~9. An image is an exempt record if the image is taken with:~~  
12 ~~a. With a body camera or similar device and which is taken in~~ contains an image of:  
13 ~~(1) Nude or partially denuded human figures as defined in section~~  
14 ~~12.1-27.1-03.1;~~  
15 ~~(2) An individual with serious bodily injury as defined in section 12.1-01-04; or~~  
16 ~~(3) A deceased individual; or~~  
17 ~~b. In a private place is an exempt record.~~  
18 ~~SECTION 2. A new section to chapter 44-04 of the North Dakota Century Code is created~~  
19 ~~and enacted as follows:~~

- 1 ~~Crash scene images – Exempt.~~
- 2 ~~An image of an individual from a crash scene or incident is an exempt record if the image~~
- 3 ~~contains:~~
- 4 ~~a. Nude or partially denuded human figures as defined in section 12.1-27.1-03.1;~~
- 5 ~~b. An individual with serious bodily injury as defined in section 12.1-01-04;~~
- 6 ~~c. A deceased individual; or~~
- 7 ~~d. A minor.~~

8 **SECTION 1. AMENDMENT.** Section 44-04-17.1 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **44-04-17.1. Definitions.**

11 As used in this section through section 44-04-32:

- 12 1. "Closed meeting" means all or part of an exempt meeting that a public entity in its  
13 discretion has not opened to the public, although any person necessary to carry out or  
14 further the purposes of a closed meeting may be admitted.
- 15 2. "Closed record" means all or part of an exempt record that a public entity in its  
16 discretion has not opened to the public.
- 17 3. "Confidential meeting" or "confidential record" means all or part of a record or meeting  
18 that is either expressly declared confidential or is prohibited from being open to the  
19 public.
- 20 4. "Executive session" means all or part of a meeting that is closed or confidential.
- 21 5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is  
22 neither required by law to be open to the public, nor is confidential, but may be open in  
23 the discretion of the public entity.
- 24 6. "Governing body" means the multimember body responsible for making a collective  
25 decision on behalf of a public entity. "Governing body" also includes any group of  
26 persons, regardless of membership, acting collectively pursuant to authority delegated  
27 to that group by the governing body.
- 28 7. "Information technology resources" includes data processing hardware and software  
29 or technology support services necessary to facilitate a response to a request for  
30 electronic records.
- 31 8. "Law" includes federal statutes, applicable federal regulations, and state statutes.

- 1       9.   a.   "Meeting" means a formal or informal gathering or a work session, whether in  
2           person or through any electronic means, of:
- 3           (1)   A quorum of the members of the governing body of a public entity regarding  
4           public business; or
- 5           (2)   Less than a quorum of the members of the governing body of a public entity  
6           regarding public business, if the members attending one or more of the  
7           smaller gatherings collectively constitute a quorum and if the members hold  
8           the gathering for the purpose of avoiding the requirements of section  
9           44-04-19.
- 10       b.   "Meeting" does not include:
- 11           (1)   A chance or social gathering at which public business is not considered;
- 12           (2)   Emergency operations during a disaster or emergency declared under  
13           section 37-17.1-10 or an equivalent ordinance if a quorum of the members  
14           of the governing body are present but are not discussing public business as  
15           the full governing body or as a task force or working group;
- 16           (3)   The attendance of members of a governing body at meetings of any  
17           national, regional, or state association to which the public entity, the  
18           governing body, or individual members belong;
- 19           (4)   Training seminars at which no other public business is considered or  
20           discussed; and
- 21           (5)   Administration of examinations by a regulatory board when no other public  
22           business is considered or discussed.
- 23       c.   Notwithstanding subdivisions a and b, as applied to the legislative assembly,  
24           "meeting" means any gathering subject to section 14 of article IV of the  
25           Constitution of North Dakota.
- 26       d.   Notwithstanding subdivisions a and b, "meeting" does not include any meeting of  
27           the judicial branch or a committee or workgroup of the judicial branch. Such  
28           meetings are governed by section 5 of article XI of the Constitution of North  
29           Dakota.
- 30       10.   "Organization or agency supported in whole or in part by public funds" means an  
31           organization or agency in any form which has received public funds exceeding the fair

1 market value of any goods or services given in exchange for the public funds, whether  
2 through grants, membership dues, fees, or any other payment. An exchange must be  
3 conclusively presumed to be for fair market value, and does not constitute support by  
4 public funds, when an organization or agency receives a benefit under any authorized  
5 economic development program.

6 11. "Political subdivision" includes any county or city, regardless of the adoption of any  
7 home rule charter, and any airport authority, township, school district, park district,  
8 rural fire protection district, water resource district, solid waste management authority,  
9 rural ambulance service district, irrigation district, hospital district, soil conservation  
10 district, recreation service district, railroad authority, or district health unit.

11 12. "Public business" means all matters that relate or may foreseeably relate in any way  
12 to:

13 a. The performance of the public entity's governmental functions, including any  
14 matter over which the public entity has supervision, control, jurisdiction, or  
15 advisory power; or

16 b. The public entity's use of public funds.

17 13. "Public entity" means all:

18 a. Public or governmental bodies, boards, bureaus, commissions, or agencies of  
19 the state, including any entity created or recognized by the Constitution of North  
20 Dakota, state statute, or executive order of the governor or any task force or  
21 working group created by the individual in charge of a state agency or institution,  
22 to exercise public authority or perform a governmental function;

23 b. Public or governmental bodies, boards, bureaus, commissions, or agencies of  
24 any political subdivision of the state and any entity created or recognized by the  
25 Constitution of North Dakota, state statute, executive order of the governor,  
26 resolution, ordinance, rule, bylaw, or executive order of the chief executive  
27 authority of a political subdivision of the state to exercise public authority or  
28 perform a governmental function; and

29 c. Organizations or agencies supported in whole or in part by public funds, or  
30 expending public funds.

1 14. "Public funds" means cash and other assets with more than minimal value received  
2 from the state or any political subdivision of the state.

3 15. "Quorum" means one-half or more of the members of the governing body, or any  
4 smaller number if sufficient for a governing body to transact business on behalf of the  
5 public entity.

6 16. "Record" means recorded information of any kind, regardless of the physical form or  
7 characteristic by which the information is stored, recorded, or reproduced, which is in  
8 the possession or custody of a public entity or its agent and which has been received  
9 or prepared for use in connection with public business or contains information relating  
10 to public business. "Record" does not include unrecorded thought processes or mental  
11 impressions, but does include preliminary drafts and working papers. "Record" also  
12 does not include records in the possession of a court of this state.

13 17. "Sensitive image" means an image depicting an exposed intimate part, gruesome  
14 injury, deceased individual, or a minor.

15 18. "Task force or working group" means a group of individuals who have been formally  
16 appointed and delegated to meet as a group to assist, advise, or act on behalf of the  
17 individual in charge of a state agency or institution when a majority of the members of  
18 the group are not employees of the agency or institution.

19 **SECTION 2.** A new subsection to section 44-04-18.7 of the North Dakota Century Code is  
20 created and enacted as follows:

21 Unless otherwise provided by law, a sensitive image as defined by section 44-04-17.1  
22 is an exempt record.

**REPORT OF STANDING COMMITTEE  
SB 2083**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS** ([25.8111.01001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.8111.01001  
Title.02000

Adopted by the Judiciary Committee

January 15, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2083

Introduced by

Judiciary Committee

(At the request of the Highway Patrol)

A BILL ~~for an Act to create and enact a new of the North Dakota Century Code, relating to~~  
~~designating certain crash scene images as exempt records; and to amend and reenact~~  
~~subsection 9 of section 44-04-18.7 of the North Dakota Century Code, relating to exempt~~  
~~records related to criminal intelligence and investigation information; for an Act to create and~~  
enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the  
designation of a sensitive image as an exempt record; and to amend and reenact section  
44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. AMENDMENT. Subsection 9 of section 44-04-18.7 of the North Dakota-~~  
~~Century Code is amended and reenacted as follows:~~

~~9. An image is an exempt record if the image is taken with:~~

~~a. With a body camera or similar device and which is taken in contains an image of:~~

~~(1) Nude or partially denuded human figures as defined in section~~  
~~12.1-27.1-03.1;~~

~~(2) An individual with serious bodily injury as defined in section 12.1-01-04; or~~

~~(3) A deceased individual; or~~

~~b. In a private place is an exempt record.~~

~~SECTION 2. A new section to chapter 44-04 of the North Dakota Century Code is created~~  
~~and enacted as follows:~~

~~Crash scene images -- Exempt.~~

~~An image of an individual from a crash scene or incident is an exempt record if the image contains:~~

~~a. Nude or partially denuded human figures as defined in section 12.1-27.1-03.1;~~

~~b. An individual with serious bodily injury as defined in section 12.1-01-04;~~

~~c. A deceased individual; or~~

~~d. A minor.~~

**SECTION 1. AMENDMENT.** Section 44-04-17.1 of the North Dakota Century Code is amended and reenacted as follows:

**44-04-17.1. Definitions.**

As used in this section through section 44-04-32:

1. "Closed meeting" means all or part of an exempt meeting that a public entity in its discretion has not opened to the public, although any person necessary to carry out or further the purposes of a closed meeting may be admitted.
2. "Closed record" means all or part of an exempt record that a public entity in its discretion has not opened to the public.
3. "Confidential meeting" or "confidential record" means all or part of a record or meeting that is either expressly declared confidential or is prohibited from being open to the public.
4. "Executive session" means all or part of a meeting that is closed or confidential.
5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity.
6. "Governing body" means the multimember body responsible for making a collective decision on behalf of a public entity. "Governing body" also includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body.
7. "Information technology resources" includes data processing hardware and software or technology support services necessary to facilitate a response to a request for electronic records.
8. "Law" includes federal statutes, applicable federal regulations, and state statutes.

- 1       9.   a.   "Meeting" means a formal or informal gathering or a work session, whether in  
2           person or through any electronic means, of:
- 3           (1)   A quorum of the members of the governing body of a public entity regarding  
4           public business; or
- 5           (2)   Less than a quorum of the members of the governing body of a public entity  
6           regarding public business, if the members attending one or more of the  
7           smaller gatherings collectively constitute a quorum and if the members hold  
8           the gathering for the purpose of avoiding the requirements of section  
9           44-04-19.
- 10       b.   "Meeting" does not include:
- 11           (1)   A chance or social gathering at which public business is not considered;
- 12           (2)   Emergency operations during a disaster or emergency declared under  
13           section 37-17.1-10 or an equivalent ordinance if a quorum of the members  
14           of the governing body are present but are not discussing public business as  
15           the full governing body or as a task force or working group;
- 16           (3)   The attendance of members of a governing body at meetings of any  
17           national, regional, or state association to which the public entity, the  
18           governing body, or individual members belong;
- 19           (4)   Training seminars at which no other public business is considered or  
20           discussed; and
- 21           (5)   Administration of examinations by a regulatory board when no other public  
22           business is considered or discussed.
- 23       c.   Notwithstanding subdivisions a and b, as applied to the legislative assembly,  
24           "meeting" means any gathering subject to section 14 of article IV of the  
25           Constitution of North Dakota.
- 26       d.   Notwithstanding subdivisions a and b, "meeting" does not include any meeting of  
27           the judicial branch or a committee or workgroup of the judicial branch. Such  
28           meetings are governed by section 5 of article XI of the Constitution of North  
29           Dakota.
- 30       10.   "Organization or agency supported in whole or in part by public funds" means an  
31           organization or agency in any form which has received public funds exceeding the fair

market value of any goods or services given in exchange for the public funds, whether through grants, membership dues, fees, or any other payment. An exchange must be conclusively presumed to be for fair market value, and does not constitute support by public funds, when an organization or agency receives a benefit under any authorized economic development program.

11. "Political subdivision" includes any county or city, regardless of the adoption of any home rule charter, and any airport authority, township, school district, park district, rural fire protection district, water resource district, solid waste management authority, rural ambulance service district, irrigation district, hospital district, soil conservation district, recreation service district, railroad authority, or district health unit.

12. "Public business" means all matters that relate or may foreseeably relate in any way to:

- a. The performance of the public entity's governmental functions, including any matter over which the public entity has supervision, control, jurisdiction, or advisory power; or
- b. The public entity's use of public funds.

13. "Public entity" means all:

- a. Public or governmental bodies, boards, bureaus, commissions, or agencies of the state, including any entity created or recognized by the Constitution of North Dakota, state statute, or executive order of the governor or any task force or working group created by the individual in charge of a state agency or institution, to exercise public authority or perform a governmental function;
- b. Public or governmental bodies, boards, bureaus, commissions, or agencies of any political subdivision of the state and any entity created or recognized by the Constitution of North Dakota, state statute, executive order of the governor, resolution, ordinance, rule, bylaw, or executive order of the chief executive authority of a political subdivision of the state to exercise public authority or perform a governmental function; and
- c. Organizations or agencies supported in whole or in part by public funds, or expending public funds.

- 1       14. "Public funds" means cash and other assets with more than minimal value received  
2       from the state or any political subdivision of the state.
- 3       15. "Quorum" means one-half or more of the members of the governing body, or any  
4       smaller number if sufficient for a governing body to transact business on behalf of the  
5       public entity.
- 6       16. "Record" means recorded information of any kind, regardless of the physical form or  
7       characteristic by which the information is stored, recorded, or reproduced, which is in  
8       the possession or custody of a public entity or its agent and which has been received  
9       or prepared for use in connection with public business or contains information relating  
10      to public business. "Record" does not include unrecorded thought processes or mental  
11      impressions, but does include preliminary drafts and working papers. "Record" also  
12      does not include records in the possession of a court of this state.
- 13      17. "Sensitive image" means an image depicting an exposed intimate part, gruesome  
14      injury, deceased individual, or a minor.
- 15      18. "Task force or working group" means a group of individuals who have been formally  
16      appointed and delegated to meet as a group to assist, advise, or act on behalf of the  
17      individual in charge of a state agency or institution when a majority of the members of  
18      the group are not employees of the agency or institution.

19      **SECTION 2.** A new subsection to section 44-04-18.7 of the North Dakota Century Code is  
20      created and enacted as follows:

21      Unless otherwise provided by law, a sensitive image as defined by section 44-04-17.1  
22      is an exempt record.

**2025 HOUSE JUDICIARY**

**SB 2083**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2083  
2/24/2025

A BILL for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the designation of a sensitive image as an exempt record; and to amend and reenact section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

8:29 a.m. Chairman Klemin called the meeting to order.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Representatives Henderson, VanWinkle

## **Discussion Topics:**

- Use of sensitive images in investigations
- Images of autopsy reports
- Definition of a gruesome image

8:31 a.m. Aaron Hummel, North Dakota Highway Patrol, testified in favor and provided testimony #38007.

8:40 a.m. Jaclyn Hall, North Dakota Association for Justice, testified in favor and provided testimony #38339.

8:42 a.m. Representative S. Olson moved a Do Pass.

8:42 a.m. Representative McLeod seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y

Representative Lori VanWinkle	A
Representative Christina Wolff	Y

8:43 a.m. Motion passed 12-0-2

8:43 a.m. Representative McLeod will carry the bill.

8:44 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2083 ([25.8111.02000](#))**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2083 was placed on the Fourteenth order on the calendar.



69<sup>th</sup> Legislative Assembly  
Testimony in Support of  
**Senate Bill No. 2083**  
House Judiciary Committee  
February 19, 2025

TESTIMONY OF

**Maj. Aaron Hummel, Chief of Staff**

Good morning, Chairman Klemin, and members of the committee. My name is Aaron Hummel and I serve as chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2083.

Senate Bill 2083 was introduced at the request of the Highway Patrol with the purpose of exempting certain records that we regularly hold in our possession. These records currently do not have a specific exemption in law allowing agencies to use discretion prior to their release.

Originally, we sought to make images in section 12.1-27.1-03.1 relating to nude or partially nude human figures, images in 12.1-01-04 relating to seriously bodily injury, images related to deceased individuals, and images under 39-08-13 related to minors in crashes all exempt under North Dakota open records laws. Making these records exempt does not prohibit the release, but it does allow entities to develop policy as to who the records may be released to.

After some opposition in committee on the Senate side and discussion about ensuring these images were also protected in other areas, we were able to work through some amenable language with the interested parties and with the assistance of the Attorney General's Office, coming up with the following, much more simplified amendment to the original bill:

**Section 1:** Adds the definition of "Sensitive Image" to NDCC 44-04-17.1. *"Sensitive image" means an image depicting an exposed intimate part, gruesome injury, deceased individual, or a minor.*

**Section 2:** Adds a new subsection to section 44-04-18.7: *"Unless otherwise provided by law, a sensitive image as defined by section 44-04-17.1 is an exempt record."*

Senate Bill 2083, as amended, was given a Do Pass recommendation from the Senate Judiciary Committee and passed through the Senate 47-0.

This concludes my testimony. I would appreciate your support for this bill, and I will stand for any questions.

**North Dakota Association for Justice**

PO Box 365

Mandan, ND 58554

*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director

jaclyn@ndaj.org

Chairman Klemin and members of the House Judiciary. My name is Jaci hall, Executive Director of the North Dakota Association for Justice. I am here in support of SB2083 in its amended version.

Originally, NDAJ was opposed to SB2083 because we felt the initial language that included images defined under the bodily injury section of chapter 12 were too vague. Under chapter 12, images such as a broken leg, fainting and other minor injuries would have been exempt. This could potentially increase the time for litigation to occur, costing courts and injured parties extra time and money.

After meetings with the Attorney General's office and the Highway Patrol, the amended version was changed to gruesome images. This change is something we agree with.

We ask you to support SB2083 in its amended version. Thank you, and I will stand for questions.