

Minnesota State Legislature

Minnesota House of Representatives

HF 1933

as introduced - 88th Legislature (2013 - 2014) Posted on 02/25/2014 01:54pm

KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

Version List

Authors and Status

1.1 A bill for an act
1.2 relating to data practices; regulating disclosure of booking photographs;
1.3 amending Minnesota Statutes 2012, section 13.82, subdivision 26.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 13.82, subdivision 26, is amended to read:

1.6 Subd. 26. **Booking photographs.** (a) Notwithstanding section 13.03, requests for
1.7 copies or inspection of booking photographs shall be governed by this subdivision. For
1.8 purposes of this subdivision, "booking photograph" means a photograph or electronically
1.9 produced image taken by law enforcement for identification purposes in connection with
1.10 the arrest of a person.

1.11 (b) ~~Except as otherwise provided in this subdivision,~~ A booking photograph
1.12 is public data. A law enforcement agency may temporarily withhold access to a
1.13 booking photograph if the agency determines that access will adversely affect an active
1.14 investigation. A request for a copy or to inspect a booking photograph must be made in
1.15 person to the law enforcement agency that holds the original photograph. In making a
1.16 request, the requestor must identify the name of each individual whose photograph is
1.17 being requested, and the approximate date the individual is believed to have been arrested.

1.18 (c) A copy of a booking photograph may be provided to the requestor on payment of
1.19 a fee, per photograph requested, of no less than \$5 and no more than the actual costs to the
1.20 law enforcement agency for providing the photograph, including the employee time to
1.21 search for and retrieve the photograph, and the costs associated with making, certifying,
1.22 and delivering the copy. A copy of a booking photograph may not be provided in an
1.23 electronic format. The law enforcement agency may not charge a fee for inspection of a
2.1 booking photograph. Requests for bulk copies or inspection of photographs may only be
2.2 granted if the request complies with the requirements of this subdivision.

2.3 (d) Any individual who requests a copy of a booking photograph under this section
2.4 shall be personally liable for any damages resulting from use of the photograph in a
2.5 manner that violates this chapter or any other law governing use of booking photographs.
2.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.