

Senate Daily Reader

Friday, January 25, 2002

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State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0149

HOUSE ENGROSSED NO. **HB 1019** - 01/17/2002

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
State Brand Board

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to livestock brands and
2 livestock ownership inspection.

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

4 Section 1. That § 40-18-1.2 be amended by adding thereto a NEW SUBDIVISION to read
5 as follows:

6 "Process," to cut and wrap a livestock carcass for human consumption.

7 Section 2. That § 40-19-3 be amended to read as follows:

8 40-19-3. The branding of cattle, horses, mules, and buffalo shall be done by use of a hot iron.
9 A freeze brand may, however, be applied to horses and mules. A single letter, number, figure,
10 bar, quarter circle, half circle, or complete circle, or a half diamond, or complete diamond placed
11 on livestock are unrecordable brands under this chapter, including new split-brands. However,
12 presently recorded brands are valid as long as fees are paid and there is no conflict with board
13 policy.

14 A single letter, symbol, or ~~figure~~ number brand is recordable for sheep. A sheep brand shall
15 be either a hot iron brand or shall be applied with branding paint. No more than two colors or



1 one color and a hot iron brand may be recorded for sheep under one application fee. Authorized
2 paint colors are yellow, blue, green, black, red, or purple. No dot, bar, slash, quarter circle,
3 circle, or the letter "Q" may be registered as a sheep brand. A brand may be recorded for the
4 side, hip, nose, or jaw on either the left or right side of sheep. No brand may be recorded as
5 "across the back" of a sheep. A sheep brand, regardless of position, is only recordable in a
6 different color on the same location.

7 Section 3. That § 40-20-26.2 be amended to read as follows:

8 40-20-26.2. The provisions of § 40-20-26.1 notwithstanding, ownership of livestock with
9 the seller's South Dakota recorded and healed brand or the owner's unbranded livestock may be
10 transferred by means of an authorized bill of sale without a brand inspection. The bill of sale shall
11 be on a form prescribed by the board. A copy of an authorized bill of sale shall be forwarded to
12 the board ~~or its authorized inspecting agency and shall be postmarked within ten days of such~~
13 ~~ownership transfer. A violation of the forwarding requirement is a Class 2 misdemeanor.~~ An
14 authorized bill of sale does not substitute for inspection of livestock being removed from the
15 ownership inspection area of South Dakota.

16 An authorized bill of sale may transfer no more than five head of livestock to any one buyer.
17 Multiple authorized bills of sale may not be executed to subdivide numbers of livestock greater
18 than five to any one buyer. The transfer of livestock without an authorized bill of sale under this
19 section or in violation of the requirements relating to the number of livestock that may be
20 transferred to a single buyer is a Class 1 misdemeanor.

21 Section 4. That § 40-20-29 be amended to read as follows:

22 40-20-29. It is a Class 1 misdemeanor for any person ~~slaughtering or processing to slaughter~~
23 or process livestock commercially within the livestock ownership inspection area ~~to kill any~~
24 ~~livestock~~, until the livestock have received an ownership inspection and the certificate of such

1 inspection is filed and is made a part of that person's permanent records, or unless the person has
2 the hide of each slaughtered carcass available for inspection. An ownership brand inspection
3 certificate on livestock is valid for no longer than four days from the date of issue. Livestock
4 arriving at slaughter destination later than four days from the date indicated on the inspection
5 certificate shall be inspected and the fee collected. All certificates of ownership inspection shall,
6 at any time upon demand, be displayed to any law enforcement officer or to the board.

7 Section 5. That § 40-22-6 be repealed.

8 ~~40-22-6. Any person who slaughters livestock within the ownership inspection area shall~~
9 ~~possess an ownership inspection certificate for each carcass slaughtered or have the hides~~
10 ~~available for inspection with ears and tails attached, including all brands, tattoos, ear marks and~~
11 ~~other marks of identification of each carcass. A violation of this section is a Class 1~~
12 ~~misdemeanor.~~

13 Section 6. That § 40-22-12 be amended to read as follows:

14 40-22-12. Any person slaughtering or processing livestock outside the ownership inspection
15 area ~~which came from inside the ownership inspection area~~ shall, upon demand of any law
16 enforcement officer ~~or brand inspector, within a reasonable period of time produce a hide or~~
17 ~~proof of ownership of the slaughtered livestock. A violation of this section is a Class 1~~
18 ~~misdemeanor, provide names and dates of persons who delivered livestock for slaughter that may~~
19 ~~have originated from within the ownership inspection area.~~

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0241

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 19** - 01/23/2002

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to create the crime of communicating a terroristic threat or
2 hoax terroristic threat and to provide certain penalties therefor.

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

4 Section 1. Any person who intentionally communicates or causes to be communicated, either
5 directly or indirectly, by leaving a substance or device, a threat that a firearm, a dangerous
6 weapon, an explosive or incendiary device, a destructive device, a dangerous chemical or
7 biological agent, a poison, a harmful radioactive substance, or any other device, substance, or
8 item capable of causing death, serious bodily injury, or substantial property damage, will be used
9 at a place or location, or is present or will be present at a place or location, thereby causing either
10 the evacuation or serious disruption of a school, school-related event, school transportation,
11 dwelling, building, place of assembly, or facility of public transport, or serious public
12 inconvenience or alarm, is guilty of communicating a terroristic threat. A violation of this section
13 is a Class 4 felony.

14 Section 2. Any person who intentionally possesses, transports, uses, or places any hoax
15 substance or hoax destructive device with the intent of causing anxiety, unrest, fear, or personal



1 discomfort is guilty of a Class 5 felony. A hoax substance is any substance that would cause a
2 person to reasonably believe that it is a dangerous chemical or biological agent, a poison, a
3 harmful radioactive substance, or a similar substance. A hoax destructive device is any device
4 that would cause a person to reasonably believe that it is a dangerous explosive or incendiary
5 device or a similar destructive device.

6 Section 3. The court may, after conviction or adjudication of any violation of this Act,
7 conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered
8 by local, county, or state public safety agencies, and the amount of property damage caused as
9 a result of the crime. A person found guilty of violating this Act may upon conviction, be ordered
10 to make restitution to the local, county, or state public service agency for any cost incurred,
11 damages and financial loss or property damage sustained as a result of the commission of the
12 crime.

13 Section 4. That § 22-14A-22 be amended to read as follows:

14 22-14A-22. Any person who makes a false report, with intent to deceive, mislead, or
15 otherwise misinform any person, concerning the placing or planting of any bomb, dynamite,
16 explosive, or destructive device, dangerous chemical, biological agent, poison or harmful
17 radioactive substance, is guilty of falsely reporting a **bomb threat**. Falsely reporting a **bomb threat**
18 is a Class 6 felony. Any person found guilty of falsely reporting a **bomb threat** shall pay
19 restitution for any expense incurred as a result of the crime. The person is also civilly liable for
20 any injury to person or property from the false report and any costs related to responding to the
21 false report. If the person making the false report prohibited by this section is a minor, the court,
22 in addition to such other disposition as the court may impose, shall require the minor to perform
23 at least fifty hours of public service unless tried as an adult.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

490H0285

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 58 - 01/23/2002

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brown (Arnold), Albers, Cradduck, Daugaard, Diedrich (Larry), Everist, Greenfield, Ham, Hutmacher, McCracken, McIntyre, Moore, Munson, Olson (Ed), Putnam, Reedy, Sutton (Dan), Symens, and Vitter and Representatives Michels, Davis, Frost, Fryslie, Glenski, Hunhoff, McCoy, Pitts, Solum, and Van Etten

1 FOR AN ACT ENTITLED, An Act to allow a fee to be assessed upon nursing license renewal
2 for a nursing workforce center.

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

4 Section 1. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Board of Nursing may charge a fee of ten dollars upon the biennial renewal of each
7 registered nurse and practical nurse license in addition to the license renewal fee for the funding
8 of a nursing workforce center. Donations and bequests from persons to further the intent of the
9 nursing workforce center or additional funds designated by the board may also be accepted and
10 placed in the restricted fund.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

687H0319

SENATE EDUCATION COMMITTEE ENGROSSED NO.

SB 63 - 01/22/2002

Introduced by: Senators McIntyre, Daugaard, de Hueck, Hagen, Ham, Hutmacher, Koetzle, McCracken, Moore, Reedy, Sutton (Dan), and Whiting and Representatives Hennies (Thomas), Clark, Frost, Hargens, Hennies (Don), Hunhoff, Jensen, Kooistra, McCoy, Nachtigal, Nesselhuf, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to repeal the restrictions placed on persons who have
2 possessed, used, or distributed controlled substances or marijuana from participation in
3 certain extracurricular activities or financial aid assistance.

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

5 Section 1. That § 13-32-9 be repealed.

6 ~~—13-32-9. Any person adjudicated, convicted, or the subject of a suspended imposition of~~
7 ~~sentence for possession, use, or distribution of controlled substances or marijuana as defined in~~
8 ~~chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school~~
9 ~~accredited by the Department of Education and Cultural Affairs for one year. Upon a subsequent~~
10 ~~adjudication, conviction, or suspended imposition of sentence for possession, use, or distribution~~
11 ~~of controlled substances or marijuana by a court of competent jurisdiction, that person is~~
12 ~~ineligible to participate in any extracurricular activity while that person is attending any school~~
13 ~~accredited by the Department of Education and Cultural Affairs. Upon such a determination in~~



1 any juvenile proceeding the Unified Judicial System shall give notice of that determination to the
2 ~~South Dakota High School Activities Association and the chief administrator of the school in~~
3 ~~which the person is enrolled.~~

4 ~~— As used in this section, the term, extracurricular activity, means any activity sanctioned by~~
5 ~~the South Dakota High School Activities Association.~~

6 Section 2. That § 13-53-42 be repealed.

7 ~~— 13-53-42. Any person who has been determined by a court of competent jurisdiction to have~~
8 ~~possessed, used, or distributed controlled substances or marijuana as defined in chapter 22-42~~
9 ~~under circumstances which would constitute a felony under South Dakota law while enrolled at~~
10 ~~a South Dakota state supported institution of higher education is ineligible to participate in any~~
11 ~~form of intercollegiate extracurricular competition at any South Dakota state supported~~
12 ~~institution of higher education. Upon receiving a request from the chief administrator of the~~
13 ~~postsecondary educational institution, the Unified Judicial System shall send notice of whether~~
14 ~~the person who is the subject of the request was adjudicated in a juvenile proceeding of~~
15 ~~possessing, using, or distributing controlled substances or marijuana as defined in chapter 22-42~~
16 ~~under circumstances which would constitute a felony under South Dakota law if that person~~
17 ~~were an adult.~~

18 Section 3. That § 13-55-29 be repealed.

19 ~~— 13-55-29. Any person adjudicated, convicted, or the subject of a suspended imposition of~~
20 ~~sentence for possession, use, or distribution of controlled substances or marijuana as defined in~~
21 ~~chapter 22-42 under circumstances which would constitute a felony under South Dakota law is~~
22 ~~ineligible for any scholarship for attendance at a postsecondary institution to the extent such~~
23 ~~scholarship is funded by the State of South Dakota. Upon receiving a request from the chief~~
24 ~~administrator of the postsecondary educational institution, the Unified Judicial System shall send~~

1 ~~notice of whether the person who is the subject of the request was adjudicated in a juvenile~~
2 ~~proceeding of possessing, using, or distributing controlled substances or marijuana as defined in~~
3 ~~chapter 22-42 under circumstances which would constitute a felony under South Dakota law if~~
4 ~~that person were an adult.~~

5 Section 4. That § 26-11-5.1 be amended to read as follows:

6 26-11-5.1. Notwithstanding any other provision of law, a law enforcement agency ~~may~~ shall
7 provide notice, in writing, of an incident within its jurisdiction to public or nonpublic school
8 officials and to the parent or guardian of a school student if the incident is one in which the
9 agency has probable cause to believe the school student has violated any provision of state law
10 involving alcohol, illegal drugs, firearms, or bomb threats, or has made any threat of violence
11 relating to any school or its students, employees, or property. However, if there is a prolonged
12 criminal investigation and revealing information would jeopardize a successful conclusion to the
13 case, the law enforcement agency may provide the notice at some later appropriate time. ~~The~~
14 ~~notice shall be in writing.~~

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

355H0030 SENATE COMMERCE COMMITTEE ENGROSSED NO.
SB 72 - 01/23/2002

Introduced by: Senator Diedtrich (Elmer) and Representative Frost

1 FOR AN ACT ENTITLED, An Act to provide for a renewal fee for nonresident insurance
2 producers and to revise the renewal period for resident insurance producers from annual to
3 biennial.

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

5 Section 1. That § 58-2-29 be amended to read as follows:

6 58-2-29. The director of the Division of Insurance shall collect in advance, and persons so
7 served shall pay to the director in advance, fees, licenses, and miscellaneous charges as follows:

- 8 (1) Certificate of authority of insurer:
- 9 (a) Application for original certificate of authority:
- 10 For filing application for certificate of authority, articles of incorporation, and
- 11 other charter documents, bylaws, financial statements, examination reports,
- 12 power of attorney to the director, and all other documents and filings required
- 13 in connection with such application: \$500.00
- 14 (b) Issuance of original certificate of authority 25.00
- 15 (c) Annual renewal of certificate of authority 25.00



1 (d) Reinstatement of certificate of authority 25.00

2 (e) Amendment or reissuance of certificate of authority 25.00

3 (f) Annual audit 500.00

4 This fee to be reduced by the total dollar amount of premium taxes remitted in

5 each calendar year. The fee is waived for all licensed insurers remitting five

6 hundred dollars or more in premium taxes in a calendar year.

7 (2) Filing amendment of articles of incorporation, domestic and foreign insurers, exclusive

8 of fees required to be paid to the secretary of state by a domestic corporation 10.00

9 (3) Filing bylaws or amendments thereto 5.00

10 (4) Filing annual statement of insurer, other than as part of application for original

11 certificate of authority 25.00

12 (5) Insurance producers and solicitors:

13 (a) Insurance producer's license, including also disability insurance when written

14 by property, casualty, or surety insurer otherwise represented by the insurance

15 producer:

16 (i) Filing application for original license, and including issuance of license,

17 if issued 25.00

18 (ii) Original appointment of insurance producer, each insurer . . . 10.00

19 (iii) Annual renewal of appointment, each insurer:

20 Domestic insurer 10.00

21 Foreign insurer 10.00

22 (iv) Temporary license 10.00

23 (b) Insurance producer's license, life or health insurance, including both life and

24 disability insurance when so licensed as to the same insurer:

1	(i)	Application for original license, including issuance of license, if issued,	
2		each insurer	25.00
3	(ii)	Original appointment of insurance producer, each insurer . . .	10.00
4	(iii)	Annual renewal of appointment, each insurer:	
5		Domestic insurer	10.00
6		Foreign insurer	10.00
7	(iv)	Temporary license	10.00
8	(c)	Limited license as insurance producer:	
9	(i)	Motor vehicle physical damage . . . Same as for insurance producer's	
10		license	
11	(ii)	Accident ticket policies, each insurer each year	10.00
12	(iii)	Baggage ticket policies, each insurer each year	10.00
13	(iv)	Credit insurance . . . Same as for insurance producer license	
14	(d)	Examination for license, each examination and each time taken	10.00
15	(e)	Nonresident insurance producer license:	
16	(i)	Original license	30.00
17	(ii)	<u>Annual renewal of license</u>	<u>25.00</u>
18	(iii)	Appointments, each insurer	20.00
19	(iii) (iv)	Annual renewal of appointments, each insurer	20.00
20	(f)	Resident insurance producer, original license	25.00
21	(i)	Annual renewal	25.00
22		<u>Biennial continuing education fee, license renewal</u>	<u>20.00</u>
23	(g)	Corporation or partnership license:	
24	(i)	Original license	25.00

1	(ii)	Appointment, each insurer	10.00
2	(iii)	Annual renewal of appointment, each insurer	10.00
3	(h)	Nonresident corporation or partnership license:	
4	(i)	Original license	30.00
5	(ii)	Appointment, each insurer	20.00
6	(iii)	Annual renewal of appointment, each insurer	20.00
7	(6)	Insurance vending machine license, each machine, each year	20.00
8	(7)	Surplus line broker's license, application for original license including issuance of	
9		license, if issued	50.00
10	(a)	Annual renewal of license	50.00
11	(8)	Rating bureau, original license	25.00
12	(a)	Annual renewal of license	35.00
13	(9)	Examination of rating bureau . . . Same fees as provided in this chapter for	
14		examination of foreign insurance companies	
15	(10)	Farm mutuals:	
16	(a)	Application for original certificate of authority: For filing application for	
17		certificate of authority, articles of incorporation, and all other documents and	
18		filings required in connection with such application, and for issuance of an	
19		original certificate of authority, if issued	25.00
20	(b)	Annual renewal of certificate of authority	10.00
21	(c)	Filing annual statement	5.00
22	(11)	Broker's license as attorney in fact of a reciprocal or interinsurance exchange	20.00
23	(12)	Miscellaneous services:	
24	(a)	For a copy of any paper filed in the insurance division, for which another price	

1 is not set by statute, each page75

2 (b) Director's sworn certificate, except when on certificates of authority or

3 licenses 10.00

4 (c) For receiving and forwarding copy of summons or other process served upon

5 the director, as process agent of an insurer or nonresident insurance producer

6 10.00

7 (13) Application for continuing education course approval 25.00.

8 Section 2. That § 58-30-121 be amended to read as follows:

9 58-30-121. The Division of Insurance shall charge each licensee an additional fee of ~~ten~~

10 twenty dollars upon renewal of the license. The fee is due on May 1, 2004, and at the beginning

11 of each succeeding twenty-four-month period. The fee shall be deposited in a separate account,

12 entitled the South Dakota insurance producer's continuing education fund, as funding for the

13 administration of the continuing education program. The director may withhold or not renew the

14 license of any licensee who fails to tender timely payment of the fee.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

625H0393

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 80 - 01/23/2002

Introduced by: Senators Olson (Ed), Albers, Brosz, Brown (Arnold), Diedtrich (Elmer), Hagen, McCracken, Putnam, Sutton (Dan), Symens, and Vitter and Representatives Hansen (Tom), Bartling, Burg, Duniphan, Frost, Juhnke, Murschel, Peterson (Bill), Sebert, Teupel, Van Etten, Van Gerpen, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the examination
2 required for physician licensure.

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

4 Section 1. That § 36-4-17 be amended to read as follows:

5 36-4-17. The examination required by this chapter shall be in writing. The questions on all
6 subjects shall be such as are answered alike by all schools of medicine or osteopathy. No license
7 may be refused any applicant because of ~~his~~ the applicant's adherence to any particular school
8 of medicine. Each applicant shall ~~be required to~~ attain an average percentage of at least
9 seventy-five percent of correct answers. ~~Any applicant failing on such examination is eligible for~~
10 ~~a maximum of two subsequent examinations upon payment of the required fee at any regular~~
11 ~~meeting of the Board of Medical and Osteopathic Examiners or at such time and place as the~~
12 ~~board may designate.~~ Before taking the examination, the applicant shall pay to the secretary of
13 the board a fee to be set by the board in an amount not to exceed five hundred fifty dollars. All



1 grades achieved shall be preserved by the secretary of the board for a period of at least three
2 years.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

527H0392

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 86 - 01/23/2002

Introduced by: Senators Volesky and Munson and Representatives Flowers, Burg, and Valandra

1 FOR AN ACT ENTITLED, An Act to require the use of an ignition interlock device in a motor
2 vehicle used by any person guilty of a second or subsequent violation of driving under the
3 influence.

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

5 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For the purposes of this Act, the term, ignition interlock device, means breath alcohol
8 ignition equipment designed to prevent a motor vehicle's ignition from being started by a person
9 whose alcohol concentration exceeds a level prescribed by a court.

10 Section 2. That § 32-23-3 be amended to read as follows:

11 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is
12 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, unconditionally
13 revoke the defendant's driving privilege for a period of not less than one year. However, upon
14 the successful completion of a court-approved alcohol treatment program, the court may permit



1 the person to drive for the purpose of employment and may restrict the privilege by the
2 imposition of such conditions as the court sees fit. ~~If such person is convicted of driving without~~
3 ~~a license during that period, the person shall be sentenced to the county jail for not less than three~~
4 ~~days, which sentence may not be suspended.~~ If the court permits the person to drive, the court
5 shall order the person to install and to use an ignition interlock device on any motor vehicle to
6 be operated by the person during the period of revocation if the court determines that an
7 installation and service center for the device is located within the court's definition of a
8 reasonable distance. The court shall require the person to pay the reasonable cost of leasing,
9 installing, and maintaining the device. The ignition interlock device shall be a device approved
10 pursuant to section 3 of this Act.

11 Section 3. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The Department of Commerce and Regulation shall approve any ignition interlock device to
14 be used pursuant to this Act. The Secretary of the Department of Commerce and Regulation
15 shall promulgate rules, pursuant to chapter 1-26, to establish performance standards for ignition
16 interlock devices. The rules shall include standards relating to accuracy of the device, the means
17 of installing the device, and the degree of difficulty rendering the device inoperative.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

268H0603

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 101 - 01/23/2002

Introduced by: Senators Albers, Ham, Kleven, and Madden and Representatives Hennies (Thomas), Abdallah, Duniphan, and Madsen

1 FOR AN ACT ENTITLED, An Act to provide for the release of the booking photographs of
2 prisoners under certain conditions.

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

4 Section 1. That § 23-5-7 be amended to read as follows:

5 23-5-7. All photographs, impressions, measurements, descriptions, or records including
6 confidential criminal investigative information, taken or made as provided for in § 23-5-6 shall
7 be filed and preserved by the department or institution where made or taken and ~~shall~~ may not
8 be published, transferred, or circulated outside such department or institutions, nor exhibited to
9 the public or ~~any person or persons~~ anyone except duly authorized law enforcement officers
10 unless the subject of such photograph, measurement, description, or other record becomes a
11 fugitive from justice, or escapes from a penal institution. However, this section ~~shall~~ does not
12 apply to the release of information allowed pursuant to § 24-2-20 or to the release of the
13 subject's booking photographs upon approval of the court.

