

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.