# FOR OFFICE USE ONLY

## HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative Duplessis to Engrossed House Bill No. 729 by Representative Duplessis

### 1 AMENDMENT NO. 1

- 2 On page 1, line 2, delete "R.S. 44:4(64) and"
- 3 AMENDMENT NO. 2
- 4 On page 1, line 10, after "reenacted " delete the remainder of the line and delete lines 11 5 through 20 and on page 2, delete lines 1 through 3 and insert "to read as follows:"
- 6 AMENDMENT NO. 3
- 7 On page 2, between lines 13 and 14, insert the following:
- 8

"\* \* \*"

- 9 AMENDMENT NO. 4
- 10 On page 2, line 18, change "shall mean" to "means"
- 11 AMENDMENT NO. 5

12 On page 2, line 20, after "<u>facility</u>" delete the period "." and insert "and any photograph or

- image of an individual taken by a law enforcement officer or agency while the individual
   was being arrested or in custody."
- 15 AMENDMENT NO. 6
- 16 On page 2, line 21, change "<u>"Publish-for-pay</u>" to "<u>"Remove-for-pay</u>"
- 17 <u>AMENDMENT NO. 7</u>
- 18 On page 2, at the end of line 23, delete the period "." and insert "or which utilizes the 19 publication of booking photographs for profit or to obtain advertising revenue."
- 20 AMENDMENT NO. 8
- 21 On page 2, between lines 23 and 24 insert the following:
- 22 "B. A booking photograph shall not be subject to the Public Records Law."
- 23 AMENDMENT NO. 9
- 24 On page 2, line 24, change "<u>B.</u>" to "<u>C.(1)</u>"
- 25 AMENDMENT NO. 10
- 26 On page 2, line 24, after "<u>officer</u>" insert "<u>or agency</u>"

### Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

#### 1 AMENDMENT NO. 11

2 On page 2, at the end of line 25 after "photograph" insert a period "."

#### 3 AMENDMENT NO. 12

4 On page 2, delete lines 26 through 29 and on page 3, delete lines 1 through 22 and insert the 5 following:

- 6 "(2) No law enforcement officer or agency shall publish, release, or disseminate in any format a booking photograph to the public or to a private 7 8 person or entity unless one of the following occurs: 9 (a) The individual is a fugitive, and a law enforcement officer or 10 agency determines that releasing or disseminating the booking photograph will assist in apprehending the individual. 11 12 (b) A law enforcement officer or agency determines that the 13 individual is a an imminent threat to an individual or to public safety and determines that releasing or disseminating the booking photograph will assist 14 15 in reducing or eliminating the threat. 16 (c) A judge of a court of competent jurisdiction orders the release or 17 dissemination of the booking photograph based on a finding that the release or dissemination is in furtherance of a legitimate interest. 18 (3) Notwithstanding the provisions of Paragraph (2) of this 19 Subsection, a law enforcement officer or agency shall provide a copy of a 20 booking photograph to the individual who is the subject of the booking 21 photograph or to the counsel of record for the individual upon request. 22 23 D. The publication of a booking photograph of a Louisiana resident constitutes minimum contact with the state and by doing so, the party shall 24 25 be subject to the jurisdiction of Louisiana courts."
- 26 AMENDMENT NO. 13
- 27 On page 3, line 23, change "publish-for-pay" to "remove-for-pay"
- 28 AMENDMENT NO. 14
- 29 On page 4, between lines 2 and 3 insert the following:

30	"(2) (a) A remove-for-pay publication or website shall not require
31	payment for removal or destruction of the booking photograph.
32	(b) Any remove-for-pay publication or website that seeks any fee or
33	other valuable consideration for the removal or destruction of a booking
34	photograph shall be subject to prosecution under R.S. 14:66."

#### 35 <u>AMENDMENT NO. 15</u>

- 36 On page 4, line 3, change "(2) If the publish-for-pay" to "(3) If the remove-for-pay"
- 37 AMENDMENT NO. 16
- 38 On page 4, line 4, change "<u>publish-for-pay</u>" to "<u>remove-for-pay</u>"
- 39 AMENDMENT NO. 17
- 40 On page 4, delete lines 5 through 12 and insert the following:
- 41 "all costs, including reasonable attorney fees, resulting from any legal action that the
   42 individual brings in relation to the failure of the remove-for-pay publication or
   43 remove-for-pay website to remove and destroy the booking photograph."

# 1 AMENDMENT NO. 18

2 On page 4, delete lines 13 and 14 and insert the following:

"Section 3. This Act shall become effective upon signature by the governor
or, if not signed by the governor, upon expiration of the time for bills to become law
without signature by the governor, as provided by Article III, Section 18 of the
Constitution of Louisiana. If vetoed by the governor and subsequently approved by
the legislature, this Act shall become effective on the day following such approval."