

2023 Regular Session

HOUSE BILL NO. 265

BY REPRESENTATIVE FONTENOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides relative to release and dissemination of booking photographs of an arrested person

1 AN ACT

2 To enact Code of Criminal Procedure Article 234(C)(1)(f), relative to photo identification
3 of an arrested person; to provide relative to the duty of law enforcement; to provide
4 for the release or dissemination of booking photographs under certain circumstances;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 234(C)(1)(f) is hereby enacted to read
8 as follows:

9 Art. 234. Booking photographs

10 * * *

11 C.(1) No law enforcement officer or agency shall publish, release, or
12 disseminate in any format a booking photograph to the public or to a private person
13 or entity unless any of the following occurs:

14 * * *

15 (f) The individual is released on a bail undertaking and the law enforcement
16 officer or agency is requested to release or disseminate the booking photograph to
17 the individual's surety agent.

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 265 Original

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Fontenot

Abstract: Provides for an additional exception that permits a law enforcement officer or agency to publish, release, or disseminate a booking photograph.

Present law (C.Cr.P. Art. 234(C)) provides that a booking photograph as defined in present law shall not be subject to the Public Records Law and prohibits a law enforcement officer or agency from publishing, releasing, or disseminating a booking photograph to the public or to a private person or entity unless:

- (1) The individual is a fugitive and such release will assist in apprehending the individual.
- (2) The individual is an imminent threat and such release will assist in reducing or eliminating the threat.
- (3) A judge orders such release based upon a finding that the release is in furtherance of a legitimate interest.
- (4) The individual is convicted of the crime for which he was arrested.
- (5) The individual is charged with a crime of violence as defined in present law (R.S. 14:2(B)), except stalking, or charged with certain enumerated offenses.

Proposed law amends present law to add an exception for when an individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual's surety agent.

(Adds C.Cr.P. Art. 234(C)(1)(f))