

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) through (i), relative to photo
3 identification of an arrested person; to provide relative to the duty of law
4 enforcement; to provide for the release or dissemination of booking photographs
5 under certain circumstances; 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) through (i) are hereby
8 enacted to read 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 (g) A law enforcement officer or agency determines that releasing or
19 disseminating the booking photograph will assist in investigative purposes.

- (4) A victim seeks release or dissemination of the booking photograph pursuant to the rights provided in present constitution (Art. I, Sec. 25) prior to the individual's conviction.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Add exceptions for the following:
 - (a) A law enforcement officer or agency determines that releasing or disseminating the booking photograph will assist in investigative purposes.
 - (b) A television broadcast station domiciled in La. and licensed by the FCC requests the release of the booking photograph.
 - (c) A victim seeks release or dissemination of the booking photograph pursuant to the rights provided in present constitution (Art. I, Sec. 25) prior to the individual's conviction.