
DIGEST

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HB 265 Engrossed

2023 Regular Session

Fontenot

Abstract: Provides for additional exceptions that permit 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 the following exceptions:

- (1) 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.
- (2) A law enforcement officer or agency determines that releasing or disseminating the booking photograph will assist in investigative purposes.
- (3) A television broadcast station domiciled in La. and licensed by the FCC requests the release of the booking photograph.
- (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.