

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 is necessary for 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.

The House Floor Amendments to the engrossed bill:

1. Amend the proposed law exception relevant to law enforcement investigative purposes to clarify that dissemination of the booking photograph is necessary for such investigative purposes.