
DIGEST

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HB 265 Reengrossed

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 is necessary for 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.

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.