

RÉSUMÉ DIGEST

ACT 281 (SB 24)

2024 Regular Session

Seabaugh

Existing law provides relative to booking photographs and defines "booking photograph" and "remove-for-pay publication or website".

New law retains existing law and adds that the definition of "remove-for-pay-publication or website" includes publications that primarily utilize the publication of booking photographs for profit or to obtain advertising revenue.

Prior law prohibits a law enforcement officer or agency from providing a copy of a booking photograph to any person requesting a copy of that photograph. Prior law further provides that no law enforcement officer or agency can publish, release, or disseminate a booking photograph to the public or to a private person or entity except under certain circumstances, including to assist in the apprehension of a fugitive, a court orders the release, or the individual pictured is charged with certain offenses, including certain crimes of violence, sex offenses, or human trafficking.

New law deletes prior law.

Prior law provides that a law enforcement officer or agency is to provide a copy of a booking photograph to the individual who is the subject of the booking photograph or to the counsel of record for the individual upon request.

New law deletes prior law.

Prior law provides that a booking photograph published, released, or disseminated by a law enforcement officer or agency, except after the subject of the booking photograph being found guilty or pleading guilty or nolo contendere, must include a disclaimer that states "all persons are presumed innocent until proven guilty".

New law deletes prior law.

Prior law provides that no law enforcement agency or employee is subject to civil action or liability when the publication, release, or dissemination was made by mistake of fact or error, or was inadvertent and made in good faith.

New law deletes prior law.

Prior law provides that publishing the booking photograph of a La. resident constitutes sufficient minimum contact with the state to confer personal jurisdiction over the publisher in La. courts.

New law deletes prior law.

Existing law provides that a remove-for-pay publication or website must remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days from the day that the individual makes the request if the individual was acquitted of the criminal charge or not prosecuted, or the individual had the criminal charge expunged, vacated, or pardoned, and the individual submits of the disposition. Existing law prohibits requiring payment for removal or destruction of the booking photograph. Existing law provides that if the remove-for-pay publication or website does not remove and destroy the booking photograph, it will be held liable for all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure to remove and destroy the booking photograph.

New law retains existing law.

Effective August 1, 2024.

(Amends C.Cr.P. Art 234)