## 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.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(h) A television broadcast station domiciled in Louisiana and licensed by the		
2	Federal Communications Commission requests the release of the booking		
3	photograph.		
4	(i) Prior to the individual's conviction, a victim seeks release or		
5	dissemination of the booking photograph pursuant to the rights provided in Article		
6	I, Section 25 of the Constitution of Louisiana.		
7	* * *		

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 265 Reengrossed	2023 Regular Session	Fontenot
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Abstract: Provides for additional exceptions that permit a law enforcement officer or agency to publish, release, or disseminate a booking photograph.

<u>Present law</u> (C.Cr.P. Art. 234(C)) provides that a booking photograph as defined in <u>present</u> <u>law</u> 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 <u>present constitution</u> (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 <u>House Committee on Administration of</u> <u>Criminal Justice to the original bill:</u>
- 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 <u>present constitution</u> (Art. I, Sec. 25) prior to the individual's conviction.

### The House Floor Amendments to the engrossed bill:

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