

RÉSUMÉ DIGEST

ACT 303 (HB 265)

2023 Regular Session

Fontenot

Existing law provides that a booking photograph as defined in existing 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 existing law, except stalking, or charged with certain enumerated offenses.

New law amends existing 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.

Effective August 1, 2023.

(Adds C.Cr.P. Art. 234(C)(1)(f) and (g))