

2024 Regular Session

SENATE BILL NO. 24

BY SENATOR SEABAUGH

CRIMINAL RECORDS. Removes certain limitations on the release and dissemination of mug shots. (8/1/24)

1 AN ACT

2 To repeal Code of Criminal Procedure Art. 234, relative to booking photographs; to remove
3 certain limitations on the release and dissemination of booking photographs; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 234 is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 24 Original

2024 Regular Session

Seabaugh

Present 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. Present 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.

Present 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.

Present 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".

Present 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.

Present law provides that the publication of a booking photograph of a Louisiana resident constitutes minimum contact with the state and by doing so, the party is subject to the jurisdiction of Louisiana courts.

Present 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 both of the following conditions exist:

- (1) The individual in the booking photograph was acquitted of the criminal charge or not prosecuted, or the individual had the criminal charge expunged, vacated, or pardoned.
- (2) The individual submits evidence of a disposition of the offense in accordance with present law.

Present law provides that a remove-for-pay publication or website cannot require payment for removal or destruction of the booking photograph. Present law further provides that any remove-for-pay publication or website that seeks any fee or other valuable consideration for the removal or destruction of a booking photograph is subject to prosecution under present law relative to the crime of extortion.

Present law provides that if the remove-for-pay publication or website does not remove and destroy the booking photograph, the remove-for-pay publication or website will be liable for all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the remove-for-pay publication or remove-for-pay website to remove and destroy the booking photograph.

Present law defines "booking photograph" and "remove-for-pay publication or website" for purposes of present law.

Proposed law repeals present law.

Effective August 1, 2024.

(Repeals C.Cr.P. Art. 234)