
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Seabaugh to Engrossed Senate Bill No. 24 by Senator Seabaugh

1 AMENDMENT NO. 1

2 On page 1, line 2, change "repeal" to "amend and reenact"

3 AMENDMENT NO. 2

4 On page 1, line 6, change "repealed." to "amended and reenacted to read as follows:"

5 AMENDMENT NO. 3

6 On page 1, after line 6, insert the following:

7 "Art. 234. Booking photographs

8 A. As used in this Article:

9 (1) "Booking photograph" means a photograph or still, non-video image of
10 an individual generated by a law enforcement agency for identification purposes
11 after arrest or while in the agency's custody.

12 (2) "Remove-for-pay publication or website" means a publication that
13 requires the payment of a fee or other valuable consideration in order to remove or
14 delete a booking photograph from the publication or which **primarily** utilizes the
15 publication of booking photographs for profit or to obtain advertising revenue.

16 ~~B. Except as provided in this Article, a law enforcement officer or agency~~
17 ~~shall not provide a copy of a booking photograph in any format to a person~~
18 ~~requesting a copy of that photograph.~~

19 ~~C.(1) No law enforcement officer or agency shall publish, release, or~~
20 ~~disseminate in any format a booking photograph to the public or to a private person~~
21 ~~or entity unless any of the following occurs:~~

22 ~~(a) The individual is a fugitive, and a law enforcement officer or agency~~
23 ~~determines that releasing or disseminating the booking photograph will assist in~~
24 ~~apprehending the individual.~~

25 ~~(b) A law enforcement officer or agency determines that the individual is an~~
26 ~~imminent threat to an individual or to public safety and determines that releasing or~~
27 ~~disseminating the booking photograph will assist in reducing or eliminating the~~
28 ~~threat.~~

29 ~~(c) A judge of a court of competent jurisdiction orders the release or~~
30 ~~dissemination of the booking photograph based on a finding that the release or~~
31 ~~dissemination is in furtherance of a legitimate interest.~~

32 ~~(d) The individual is convicted of or pleads guilty or nolo contendere to a~~
33 ~~crime, lesser crime, or lesser included offense as defined in Article 558 in response~~
34 ~~to the same crime for which he was arrested or if there is criminal litigation related~~
35 ~~to the same crime that is pending or reasonably anticipated.~~

36 ~~(e) The individual is charged with a crime of violence as defined in R.S.~~
37 ~~14:2(B), except stalking, or charged with any of the following offenses:~~

38 ~~(i) Sex offenses as defined in R.S. 15:541.~~

39 ~~(ii) Human trafficking offenses as defined in R.S. 14:46.2 and 46.3.~~

40 ~~(iii) Offenses affecting the health and morals of minors, R.S. 14:91 et seq.~~

41 ~~(iv) Offenses affecting the health and safety of persons with infirmities,~~
42 ~~R.S.14:93.3 et seq.~~

43 ~~(v) Video voyeurism.~~

44 ~~(vi) Cruelty to animals.~~

45 ~~(vii) Dogfighting.~~

46 ~~(f) The individual is released on a bail undertaking and the law enforcement~~
47 ~~officer or agency is requested to release or disseminate the booking photograph to~~
48 ~~the individual's surety agent.~~

1 ~~(g) A law enforcement officer or agency determines that releasing or~~
2 ~~disseminating the booking photograph is necessary for investigative purposes.~~

3 ~~(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, a~~
4 ~~law enforcement officer or agency shall provide a copy of a booking photograph to~~
5 ~~the individual who is the subject of the booking photograph or to the counsel of~~
6 ~~record for the individual upon request.~~

7 ~~(3) A booking photograph published, released, or disseminated by a law~~
8 ~~enforcement officer or agency, except after the subject of the booking photograph~~
9 ~~being found guilty or pleading guilty or nolo contendere as provided in~~
10 ~~Subsubparagraph (1)(d) of this Paragraph, shall include a disclaimer that states "all~~
11 ~~persons are presumed innocent until proven guilty".~~

12 ~~(4) No law enforcement agency or employee thereof shall be subject to civil~~
13 ~~action or be held liable when the publication, release, or dissemination was made by~~
14 ~~mistake of fact or error, or was inadvertent and made in good faith.~~

15 ~~D. The publication of a booking photograph of a Louisiana resident~~
16 ~~constitutes minimum contact with the state and by doing so, the party shall be subject~~
17 ~~to the jurisdiction of Louisiana courts.~~

18 ~~E. **B.**(1) A remove-for-pay publication or website shall remove and destroy~~
19 ~~a booking photograph of an individual who submits a request for removal and~~
20 ~~destruction within seven calendar days from the day that the individual makes the~~
21 ~~request if both of the following conditions exist:~~

22 ~~(a) The individual in the booking photograph was acquitted of the criminal~~
23 ~~charge or not prosecuted, or the individual had the criminal charge expunged,~~
24 ~~vacated, or pardoned.~~

25 ~~(b) The individual submits, in relation to the request, evidence of a~~
26 ~~disposition described in Subsubparagraph (a) of this Subparagraph.~~

27 ~~(2)(a) A remove-for-pay publication or website shall not require payment for~~
28 ~~removal or destruction of the booking photograph.~~

29 ~~(b) Any remove-for-pay publication or website that seeks any fee or other~~
30 ~~valuable consideration for the removal or destruction of a booking photograph shall~~
31 ~~be subject to prosecution under R.S. 14:66.~~

32 ~~(3) If the remove-for-pay publication or website does not remove and destroy~~
33 ~~the booking photograph, the remove-for-pay publication or website shall be liable~~
34 ~~for all costs, including reasonable attorney fees, resulting from any legal action that~~
35 ~~the individual brings in relation to the failure of the remove-for-pay publication or~~
36 ~~remove-for-pay website to remove and destroy the booking photograph."~~