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

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DIGEST

SB 24 Reengrossed

2024 Regular Session

Seabaugh

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

Proposed law provides that the definition of "remove-for-pay-publication or website" also includes publications that primarily utilizes the publication of booking photographs for profit or to obtain advertising revenue.

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.

Proposed law repeals present law prohibitions applying to the release of booking photographs by law enforcement officers and law enforcement agencies. Proposed law also repeals present law relative to certain booking photograph release requirements imposed on law enforcement officers and law enforcement agencies.

Present 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.

Proposed law repeals present law provision providing 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.

Proposed law otherwise retains present law.

Effective August 1, 2024.

(Amends C.Cr.P. Art 234)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Include in the definition of "remove-for-pay publication or website" publications that primarily utilize the publication of booking photographs for profit or to obtain advertising revenue.
2. Delete parts of present law prohibiting law enforcement officers and law enforcement agencies from releasing booking photographs.
3. Delete parts of present law requiring law enforcement officers and law enforcement agencies to add certain information to certain booking photographs prior to release.
4. Delete present law provision establishing minimum contacts with the state sufficient to confer personal jurisdiction in La. courts over persons that publish a booking photograph of a La. resident.