

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/18/21

A Bill

HOUSE BILL 1437

5 By: Representative A. Collins
6 By: Senator C. Tucker
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE UNLAWFUL USE OF A PERSON'S
10 BOOKING PHOTOGRAPH ON A PUBLISH-FOR-PAY WEBSITE; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING THE UNLAWFUL USE OF A PERSON'S
16 BOOKING PHOTOGRAPH ON A PUBLISH-FOR-PAY
17 WEBSITE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 4, Chapter 75, Subchapter 1, is amended
23 to add an additional section to read as follows:

24 4-75-102. Private use of booking photograph.

25 (a) As used in this section:

26 (1) "Booking photograph" means a photograph or image of an
27 arrested person taken for identification purposes by an arresting law
28 enforcement agency at the time the person is processed into jail; and

29 (2) "Publish-for-pay website" means a privately-owned website
30 that accepts, requests, or requires the payment of a fee or other
31 consideration in order to remove a booking photograph from the website.

32 (b)(1) A person may request the removal of his or her booking
33 photograph from a publish-for-pay website by submitting to the publish-for-
34 pay website a written request to remove his or her booking photograph from
35 the publish-for-pay website.

36 (2) The written request submitted under subdivision (b)(1) of



1 this section shall include:

2 (A) The person's name and date of birth;

3 (B) The date of arrest; and

4 (C) The name of the arresting law enforcement agency.

5 (c)(1) A publish-for-pay website that displays booking photographs
6 taken by an Arkansas law enforcement agency shall have displayed prominently
7 on the home page of the publish-for-pay website the name, mailing address,
8 email address, and any other contact information for the owner or operator of
9 the publish-for-pay website.

10 (2) A publish-for-pay website shall also provide, at no cost,
11 for a readily accessible means by which a person may have verified by the
12 owner or operator of the publish-for-pay website receipt of his or her
13 written request submitted under subdivision (b)(1) of this section.

14 (3) The person responsible for removing the booking photograph
15 of the person from the publish-for-pay website shall:

16 (A) Remove the booking photograph of the person from the
17 publish-for-pay website within five (5) business days of receipt of a written
18 request submitted under subdivision (b)(1) of this section; and

19 (B) Not require payment of a fee or other consideration
20 for removing the booking photograph of the person from the publish-for-pay
21 website.

22 (d) A publish-for-pay website that fails to remove the booking
23 photograph of the person in accordance with this section is liable for civil
24 penalties, including compensatory damages, attorney's fees, and punitive
25 damages.

26 (e) The Attorney General may investigate violations of this section
27 and may engage in litigation on behalf of a person making a written request
28 under subdivision (b)(1) of this section, including an action for injunctive
29 relief.

30 (f) A publish-for-pay website that is publicly accessible within this
31 state is subject to this section.

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34 */s/A. Collins*

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36 **APPROVED: 3/24/21**