

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.  
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## 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*