

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

A Bill

HOUSE BILL 1437

5 By: Representative A. Collins
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For An Act To Be Entitled

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

Subtitle

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

23 4-75-102. Private use of booking photograph.

24 (a) As used in this section:

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

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

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

35 (2) The written request submitted under subdivision (b)(1) of
36 this section shall include:



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

2 (B) The date of arrest; and

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

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

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

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

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

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

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

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

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

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