

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1665 & 1335

97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, May 13, 2014, with recommendation that the Senate Committee Substitute do pass.

5563S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the publishing of certain photographs on internet websites, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1150, to read as follows:

407.1150. 1. As used in this section, the following words and phrases shall mean:

(1) "Booking photograph", a photograph of a subject individual that was taken in this state by an arresting law enforcement agency;

(2) "Criminal record information", a booking photograph, or the name, address, charges filed, or a description of a subject individual who is asserted or implied to have engaged in illegal conduct;

(3) "Subject individual", an individual who was arrested and had his or her photograph taken by law enforcement during the processing of the arrest.

2. It shall be unlawful for any person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium to solicit or accept from a subject individual the payment of a fee or other consideration to remove or correct criminal record information.

3. A person who knowingly and willfully violates the provisions of this section shall be guilty of a class A misdemeanor.

4. Each payment solicited or accepted in violation of this section constitutes a separate violation.

20 5. In addition to the remedies already provided in this section,
21 any subject individual who suffers a loss or harm as a result of a
22 violation of this section may be awarded an amount equal to ten
23 thousand dollars or actual and punitive damages, whichever is greater,
24 and in addition may be awarded reasonable attorney's fees, court costs,
25 and any other remedies provided by law. Humiliation or
26 embarrassment shall be adequate to show that the plaintiff has
27 incurred damages; however, no physical manifestation of either
28 humiliation or embarrassment is necessary for damages to be shown.

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