

HB 1335 -- BOOKING PHOTOGRAPHS

SPONSOR: Barnes

This bill makes falsely publishing booking photographs, a class A misdemeanor, an actionable offense for damages. The award will be \$10,000.00 or actual damages, whichever is greater plus attorney fees. A victim does not need to show a physical manifestation of humiliation to receive damages.

The bill specifies that business entities may not require payment to remove booking photographs that have been published on a website. If a business publishes a booking photograph online, the website must include contact information for the business.

The bill provides that photo accuracy will be proven by the business at the request of an individual and disputed photo requests must be investigated, concluded, and a response must be given within 45 days. If the photo is proven inaccurate, it must be removed within 15 days at no cost to the individual. A fine of \$5,000.00 will be assessed per day for each erroneous photograph displayed on the business' website.