

HCS HBs 1665 & 1335 -- PUBLISHING OF BOOKING PHOTOGRAPHS (Jones, 50)

COMMITTEE OF ORIGIN: Committee on General Laws

This bill specifies that any person who publishes a person's arrest booking photograph on his or her website for purposes of commerce must be deemed to be transacting business in this state and requires that person to remove the photo from the website, without fee or compensation, within 30 days of a written request from the subject in the photograph. The request must include the subject individual's name, date of birth, date of arrest, and the name of the arresting law enforcement agency and must be transmitted via certified mail, return receipt requested, or statutory overnight delivery to the registered agent, principal place of business, or primary residence of the person who published the website.

A person who willfully and knowingly engages in any act or practice that fails to comply with these provisions will be guilty of a class A misdemeanor.

Any consumer who suffers a loss or harm as a result of any unlawful acts as set out in these provisions may be awarded an amount equal to \$10,000 or actual and punitive damages, whichever is greater, and in addition may be awarded reasonable attorney fees, court costs, and any other remedies provided by law. Humiliation or embarrassment must be adequate to show that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown.