

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/18/21

A Bill

HOUSE BILL 1437

By: Representative A. Collins

By: Senator C. Tucker

For An Act To Be Entitled

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

Subtitle

CONCERNING THE UNLAWFUL USE OF A PERSON'S
BOOKING PHOTOGRAPH ON A PUBLISH-FOR-PAY
WEBSITE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 4, Chapter 75, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) As used in this section:

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

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

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

(2) The written request submitted under subdivision (b)(1) of



this section shall include:

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

(B) The date of arrest; and

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

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

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

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

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

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

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

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

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

/s/A. Collins

APPROVED: 3/24/21