

House Bill 478

By: Representatives Strickland of the 111th, Bruce of the 61st, Rutledge of the 109th, Douglas of the 78th, and Reeves of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding law enforcement officers and agencies, so as to revise the
3 requirements which must be met before an arresting law enforcement agency may provide
4 or make available a copy of a booking photograph to a person; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
9 provisions regarding law enforcement officers and agencies, is amended by revising Code
10 Section 35-1-19, relating to disclosure of arrest booking photographs prohibited, as follows:

11 "35-1-19.

12 (a) As used in this Code section, the term 'booking photograph' means a photograph or
13 image of an individual taken by an arresting law enforcement agency for the purpose of
14 identification or taken when such individual was processed into a jail.

15 (b) Except as provided in Code Section 50-18-77 and booking photographs required for
16 publication as set forth in Titles 16 and 40, for the State Sexual Offender Registry, and for
17 use by law enforcement agencies for administrative purposes, an arresting law enforcement
18 agency or agent thereof shall not post booking photographs to or on a website.

19 (c) An arresting law enforcement agency shall not provide or make available a copy of a
20 booking photograph in any format to a person requesting such photograph if:

21 (1) Such booking photograph may be placed in a publication or posted to a website or
22 transferred to a person to be placed in a publication or posted to a website; ~~and~~

23 (2) Removal or deletion of such booking photograph from such publication or website
24 requires the payment of a fee or other consideration;

25 (3) Such booking photograph is of an individual who has not been convicted of an
26 offense or who has been convicted of a misdemeanor; and

27 (4) Such person does not retrieve the copy from the law enforcement agency in person
28 and does not present a current driver's license or identification card issued by this state
29 pursuant to Chapter 5 of Title 40 when retrieving such copy in person, where such law
30 enforcement agency shall maintain a record that such copy was provided or made
31 available to such person.

32 (d) When a person requests a booking photograph, he or she shall, for each request and for
33 each individual booking photograph, submit a statement affirming that the use of such
34 photograph is in compliance with paragraphs (1) and (2) of subsection (c) of this Code
35 section. Any person who knowingly makes a false statement in requesting a booking
36 photograph shall be guilty of a violation of Code Section 16-10-20.

37 (e) Nothing in this Code section shall be construed as precluding an arresting law
38 enforcement agency from providing or making available a copy of a booking photograph
39 to the individual depicted in such booking photograph."

40

SECTION 2.

41 All laws and parts of laws in conflict with this Act are repealed.