

HOUSE BILL NO. 1532

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3130H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the dissemination of photographic records made incident to arrest, with penalty provisions.

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 407.1153, to read as follows:

407.1153. 1. Any person who operates a website that disseminates a booking photograph, as defined in section 407.1150, shall remove the booking photograph within thirty days of a request for removal if the request:

(1) Is made in writing; and

(2) Contains written documentation that all charges stemming from the arrest for which the booking photograph was made:

(a) Were resolved through acquittal or otherwise without a conviction;

(b) Were reduced to violations or infractions; or

(c) Following conviction, were expunged or set aside under a court order.

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For purposes of this section, paper or electronic copies of official court records or law enforcement records constitute written documentation.

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

3. Any individual who suffers a loss or harm as a result of a violation of this section may be awarded an amount equal to five thousand dollars or actual and punitive

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **damages, whichever is greater, and in addition may be awarded reasonable attorney's**
18 **fees, court costs, and any other remedies provided by law. Humiliation or**
19 **embarrassment shall be adequate to show that the individual has incurred damages;**
20 **however, no physical manifestation of either humiliation or embarrassment is necessary**
21 **for damages to be shown.**

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