

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 407

By: Dossett

4
5
6 AS INTRODUCED

7 An Act relating to arrest booking photographs;
8 requiring the removal of arrest booking photographs
9 upon written request; requiring inclusion of certain
10 information with request; establishing a deadline for
11 removal; prohibiting republication or dissemination
12 of removed photographs; authorizing civil action for
13 certain injunctive relief; requiring award of court
14 costs and attorney fees in certain action;
15 authorizing imposition of civil penalty; directing
16 deposit of certain amounts; prohibiting charging a
17 fee for removal of photographs; providing for
18 applicability of provisions; providing exceptions;
19 providing for codification; and providing an
20 effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 23 of Title 22, unless there is
24 created a duplication in number, reads as follows:

25 A. A person whose arrest booking photograph is published or
26 otherwise disseminated may make a request in writing to the business
27 or individual who published or otherwise disseminated the photograph
28 for the removal of the photograph. The written request for removal
29 of the arrest booking photograph shall be sent by registered mail

1 and include sufficient proof of identification of the person whose
2 photograph was published and specific information identifying the
3 photograph the written request is seeking to remove.

4 B. 1. Within ten (10) days after receipt of the written
5 request for removal of the arrest booking photograph, the business
6 or individual who published or otherwise disseminated the photograph
7 shall remove the photograph and may not republish or otherwise
8 disseminate the photograph.

9 2. The person whose arrest booking photograph was published or
10 otherwise disseminated may bring a civil action to enjoin the
11 continued publication of the photograph if the business or
12 individual does not remove the arrest booking photograph within the
13 required time. The court shall award court costs and reasonable
14 attorney fees related to the issuance and enforcement of the
15 injunction and may impose a civil penalty of One Thousand Dollars
16 (\$1,000.00) per day for noncompliance. Amounts recovered from civil
17 penalties under this paragraph shall be deposited into the General
18 Revenue Fund.

19 3. If a business or individual is required to remove an arrest
20 booking photograph under this section and later republishes the
21 photograph, the person whose photograph is republished or otherwise
22 disseminated may bring a civil action to enjoin the continued
23 publication or dissemination of the photograph. The court shall
24 award court costs and reasonable attorney fees related to the

1 issuance and enforcement of the injunction and may impose a civil
2 penalty of Five Thousand Dollars (\$5,000.00) per day for
3 noncompliance. Amounts recovered from civil penalties under this
4 paragraph shall be deposited into the General Revenue Fund.

5 C. A business or individual engaged in the business of
6 publishing or otherwise disseminating arrest booking photographs of
7 persons who have been previously arrested may not solicit or accept
8 a fee or other form of payment for the removal of the photographs.

9 D. This section shall not apply to a business or individual
10 that publishes or disseminates information relating to arrest
11 booking photographs unless:

12 1. The business or individual solicits or accepts payment for
13 the removal of photographs; or

14 2. The business or individual's primary business model is the
15 publishing and disseminating of arrest booking photographs for a
16 commercial purpose or pecuniary gain.

17 SECTION 2. This act shall become effective November 1, 2023.

18
19 59-1-1371 TEK 1/16/2023 12:38:30 PM
20
21
22
23
24
25