

HB 3273 B STAFF MEASURE SUMMARY**Carrier:** Sen. Thatcher**Senate Committee On Judiciary and Ballot Measure 110
Implementation****Minority Report****Action Date:** 05/24/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.) Minority**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Report Signers:** Sen. Kim Thatcher, Sen. Dennis Linthicum**Prepared By:** Michael Lantz, Counsel**Meeting Dates:** 5/13, 5/24**WHAT THE MEASURE DOES:**

Allows individual depicted in law enforcement booking photo to petition court in county where photo was taken for order prohibiting release of photo. Requires petition be made within seven days after photo was taken. Directs relevant court to hold hearing within 30 days of petition being filed. Prohibits law enforcement from releasing booking photo within seven days after it was taken or while court is considering petition. Provides that petitioner has burden of establishing that prohibiting release of booking photo is in the public interest. Allows law enforcement, or any other person or entity with a bona fide interest in the release of the photo, to appear at the hearing. Provides that, subsequent to hearing, any person or entity may file a motion to release a booking photo that is prohibited from being released under court order. Requires court to hold hearing on motion. Provides that individual depicted in photo must be allowed to be heard during hearing and that party or entity making motion has burden of establishing that the release of the photo is in the public interest. Directs court to only consider information not previously considered during original hearing or how circumstances have changed in intervening period. Defines "booking photo" and "law enforcement agency."

ISSUES DISCUSSED:

- Potential for early release of booking photos to create bias
- Need for crime victims to have access to suspect's booking photo
- Media's use of booking photos
- Potential amendments

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

When a person is arrested, photos are usually taken of them as they are booked into jail. Subsequently, these photos are often released to the public and published in the media or online. Some websites specialize in publishing booking photos and charge money to have the images removed, even if the photo was of a person who was acquitted or not charged.

House Bill 3273 MRB allows an individual to petition a court to prevent the release of a booking photo in which they are depicted and describes the relevant hearing process. The measure also allows an individual or entity to file a motion for the release of a booking photo that was previously prohibited from being released and describes the relevant hearing process.