

# Public Disclosure of Arrest Bookings

The Public Disclosure Act bans the release of police mug shots unless the person requesting them signs a sworn statement the photos will not be published on a website that charges for their removal. The Act does not cover those who have been convicted of crimes, but only those who have been acquitted.

Submitted as:

Georgia

[HB 845](#)

Status: Signed into law on April 24, 2014.

## Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*General provisions for law enforcement officers and agencies.*]  
2 (a) As used in this Code section, the term ‘booking photograph’ means a photograph or image of  
3 an individual taken by an arresting law enforcement agency for the purpose of identification  
4 or taken when such individual was processed into a jail.  
5 (b) Except as provided in [*Open Records Act, Inapplicable to public records*] and booking  
6 photographs required for publication as set forth in [Insert citation], for the State Sexual  
7 Offender Registry, and for use by law enforcement agencies for administrative purposes, an  
8 arresting law enforcement agency or agent thereof shall not post booking photographs to or  
9 on a website.  
10 (c) An arresting law enforcement agency shall not provide or make available a copy of a  
11 booking photograph in any format to a person requesting such photograph if:  
12 (1) Such booking photograph may be placed in a publication or posted to a website or  
13 transferred to a person to be placed in a publication or posted to a website; and  
14 (2) Removal or deletion of such booking photograph from such publication or website  
15 requires the payment of a fee or other consideration.  
16 (d) When a person requests a booking photograph, he or she shall submit a statement affirming  
17 that the use of such photograph is in compliance with subsection (c) of this Code section.  
18 Any person who knowingly makes a false statement in requesting a booking photograph shall  
19 be guilty of a violation of [Insert citation.]  
20

21 Section 2. [*Open Records Act: When public disclosure not required.*]  
22 Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or  
23 prosecution of criminal or unlawful activity, other than initial police arrest reports and initial  
24 incident reports; provided, however, that an investigation or prosecution shall no longer be  
25 deemed to be pending when all direct litigation involving such investigation and prosecution has  
26 become final or otherwise terminated; and provided, further, that this paragraph shall not apply  
27 to records in the possession of an agency that is the subject of the pending investigation or  
28 prosecution; and provided, further, that the release of booking photographs shall only be  
29 permissible in accordance with [Section 1.]