SYNOPSIS: This bill would require the operator of a website containing an arrest photograph and personal information of a person charged with a crime to remove, at no charge, the photograph and information within a specified period after notice that the person was acquitted, the charges were dropped, or the charges were otherwise resolved without conviction.

This bill would also provide that the failure to remove the photograph and personal information upon request is a deceptive trade practice and that an aggrieved individual is entitled to all rights and remedies under the Deceptive Trade Practices Act.

A BILL
TO BE ENTITLED
AN ACT
To require the operator of a website publishing an arrest photograph of an individual to remove the photograph and personal information within a specified period upon notice of acquittal or other resolution of the charges without a conviction; to provide that failure to remove a photograph and information is a deceptive trade practice; and to provide remedies for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms shall have the following meanings:

(1) PHOTOGRAPH. A photograph of a subject individual that was taken in this state by an arresting law enforcement agency.

(2) SUBJECT INDIVIDUAL. An individual who was arrested and had his or her photograph taken and the individual was acquitted by a judge or jury of the charges related to the arrest or the charges were dropped or otherwise resolved without a conviction.

(b)(1) Any person who is engaged in any activity involving or using a computer or computer network who publishes on the person's publicly available website a subject individual's arrest booking photograph for purposes of commerce shall be deemed to be transacting business in this state.

(2) Within 30 days of the sending of a written request by a subject individual, including his or her name, date of birth, date of arrest, and the name of the arresting
law enforcement agency, the person shall, without fee or 
compensation, remove from such person's website the subject 
individual's arrest booking photograph and any other personal 
information. A written request shall be transmitted via 
certified mail, return receipt requested, or statutory 
overnight delivery, to the registered agent, principal place 
of business, or primary residence of the person who published 
the website.

(3) Failure of a person to comply with this section 
is unlawful and shall be deemed a deceptive trade practice 
under Chapter 19, Title 8, Code of Alabama 1975. A subject 
individual aggrieved by a violation of this section is 
entitled to all remedies, including civil penalties, under 
Chapter 19, Title 8, Code of Alabama 1975.

Section 2. This act shall become effective on the 
first day of the third month following its passage and 
approval by the Governor, or its otherwise becoming law.