

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 778  
Apr 18, 2023  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40359-ND-141

Short Title: Prohibition on Disclosing Booking Photographs. (Public)

Sponsors: Representative John.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE DISSEMINATION AND REMOVAL OR DESTRUCTION  
3 OF BOOKING PHOTOGRAPHS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 23 of Chapter 15A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 15A-502.01. Prohibition on disclosing a booking photograph.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Booking photograph. – A photograph or image of an individual who is alleged  
10 to have committed a crime that was taken by law enforcement at the initial  
11 booking.

12 (2) Publish-for-pay publication. – A publication that requires the payment of a fee  
13 or other consideration in order to remove or delete a booking photograph from  
14 the publication.

15 (3) Publish-for-pay website. – A website that requires the payment of a fee or  
16 other consideration in order to remove or delete a booking photograph from  
17 the website.

18 (b) Disclosure. – A law enforcement agency may not knowingly disclose a copy of a  
19 booking photograph of a defendant pretrial to any publish-for-pay publication or publish-for-pay  
20 website. However, nothing in this section shall prohibit a law enforcement agency from posting  
21 a booking photograph on the agency website or mobile application.

22 (c) Removal. – A publish-for-pay publication or publish-for-pay website shall remove  
23 and destroy a booking photograph of any individual who submits a request for removal and  
24 destruction, as provided in G.S. 15A-152(a1). An entity that seeks to condition removal or  
25 destruction of a booking photograph, on the payment of any fee or other item of value, may  
26 constitute a criminal offense.

27 (d) Civil Liability. – In addition to any other punishment or penalty available under the  
28 law, failure of a publish-for-pay publication or publish-for-pay website to remove and destroy a  
29 booking photograph in accordance with subsection (c) of this section may result in civil liability  
30 as provided in G.S. 15A-152(c)."

31 SECTION 2. G.S. 15A-152 reads as rewritten:

32 "**§ 15A-152. Civil liability for dissemination of certain criminal history**  
33 **information, information and booking photographs of defendant pretrial.**

34 ...

35 (a1) Duty to Remove and Destroy Booking Photograph. – A publish-for-pay publication  
36 or publish-for-pay website, as defined by G.S. 15A-502.01, shall remove and destroy any



1 booking photograph within seven business days of receiving notice to remove the booking  
2 photograph if both of the following conditions are met:

3 (1) There is no criminal conviction related to the arrest that generated the booking  
4 photograph.

5 (2) The individual submits with the request written documentation that the  
6 criminal charge related to the arrest that generated the booking photograph  
7 resulted in a dismissal, acquittal, expunction, or that the grand jury returned  
8 no true bill on a proposed indictment.

9 ...

10 (c) Civil Liability. – A private entity subject to the provisions of this section that  
11 disseminates information in violation of this section is liable for any damages that are sustained  
12 as a result of the violation by the person who is the subject of that information. A person who  
13 prevails in an action brought under this section is also entitled to recover court costs and  
14 reasonable attorneys' fees. This subsection does not apply to an entity regulated by and subject  
15 to the civil liability remedies of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.,  
16 or the Gramm Leach-Bliley Act, 15 U.S.C. 6801-6809, et seq.

17 In addition to any other punishment or penalty available under the law, a publish-for-pay  
18 publication or publish-for-pay website that fails to remove and destroy a booking photograph in  
19 accordance with G.S. 15A-502.01 is liable for any damages that are sustained as a result of the  
20 violation by the person who is the subject of the booking photograph to include, at a minimum,  
21 one hundred dollars (\$100.00) per day for each day after the deadline described in subsection  
22 (a1) of this section on which the booking photograph is visible or publicly accessible in the  
23 publish-for-pay publication or the publish-for-pay website. A person who prevails in an action  
24 brought under this section is also entitled to recover court costs and reasonable attorneys' fees.

25 ...."

26 **SECTION 3.** This act becomes effective December 1, 2023, and applies to each of  
27 the following:

- 28 (1) Disclosures of booking photographs by a law enforcement agency occurring  
29 on or after that date.
- 30 (2) Requests for removal and destruction submitted on or after that date.
- 31 (3) The conditioning of removal or destruction of a booking photograph on the  
32 payment of any fee or other item of value occurring on or after that date.
- 33 (4) The failure to remove and destroy a booking photograph in accordance with  
34 G.S. 15A-502.01 occurring on or after that date.