

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45070-MC-91

Short Title: Booking Photograph Privacy Act. (Public)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE RELEASE OF BOOKING PHOTOGRAPHS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.4 reads as rewritten:

"§ 132-1.4. Criminal investigations; intelligence information records; Innocence Inquiry Commission records.

...

(b) As used in this section:

- (1) ~~"Records-Records of criminal investigations"~~ means all investigations. – All records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements. The term also includes any records, worksheets, reports, or analyses prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation.
- (2) ~~"Records-Records of criminal intelligence information"~~ means records information. – Records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.
- (3) ~~"Public-Public law enforcement agency"~~ means a agency. – A municipal police department, a county police department, a sheriff's office, a company police agency commissioned by the Attorney General pursuant to G.S. 74E-1, et seq., and any State or local agency, force, department, or unit responsible for investigating, preventing, or solving violations of the law.
- (4) ~~"Violations-Violations of the law"~~ means crimes-law. – Crimes and offenses that are prosecutable in the criminal courts in this State or the United States and infractions as defined in G.S. 14-3.1.
- (5) ~~"Complaining witness"~~ means an Complaining witness. – An alleged victim or other person who reports a violation or apparent violation of the law to a public law enforcement agency.
- (6) Booking photograph. – An image of an individual taken by an arresting public law enforcement agency for the purpose of identification or taken when the individual was processed into a jail.

...



1 (n) Notwithstanding any other provision of law, and except as otherwise provided in this
2 subsection, booking photographs are confidential, are not public records as defined in G.S. 132-1,
3 and public law enforcement agencies are prohibited from publishing, distributing, or releasing
4 booking photographs. A public law enforcement agency may release a booking photograph only
5 when the booking photograph is a record of criminal investigation related to a missing person
6 report. A court of competent jurisdiction may order the release of a booking photograph upon a
7 showing by the person requesting disclosure that the disclosure is actually necessary for
8 immediate law enforcement needs."

9 **SECTION 2.** This act becomes effective October 1, 2025.