

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 762
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30362-MM-57

Short Title: Booking Photograph Privacy Act. (Public)

Sponsors: Representative Moffitt.

Referred to:

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

3 The General Assembly of North Carolina enacts:

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

5 "**§ 132-1.4. Criminal investigations; intelligence information records; Innocence Inquiry**
6 **Commission records.**

7 ...

8 (b) As used in this section:

9 ...

10 (6) "Booking photograph" means an image of an individual taken by an arresting
11 public law enforcement agency for the purpose of identification or taken when
12 the individual was processed into a jail.

13 ...

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

22 **SECTION 2.** This act becomes effective October 1, 2021.

