

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 268 Session of 2023

INTRODUCED BY R. MACKENZIE, CIRESI, GUENST, KAUFFMAN,
M. MACKENZIE, B. MILLER, NEILSON, SCHLOSSBERG AND STAATS,
MARCH 10, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, providing for
3 prohibition against publishing or disseminating booking
4 photographs for commercial use.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7518. Prohibition against publishing or disseminating booking
10 photographs for commercial use.

11 (a) Offense defined.--A person that is engaged in publishing
12 or otherwise disseminating a booking photograph is guilty of a
13 misdemeanor of the second degree if the person solicits or
14 accepts the payment of a fee or other consideration to remove,
15 correct, modify or refrain from publishing or otherwise
16 disseminating the booking photograph.

17 (b) Separate violations.--Each payment or other
18 consideration solicited or accepted in violation of this section

1 constitutes a separate violation.

2 (c) Violation of Unfair Trade Practices and Consumer
3 Protection Law.--Conduct that would constitute an offense under
4 this section shall be deemed to be a violation of the act of
5 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
6 Practices and Consumer Protection Law.

7 (d) Venue.--An offense committed under this section is
8 deemed to have been committed where the solicitation or
9 acceptance of a fee or other consideration was made or received.

10 (e) Territorial applicability.--A person may be convicted
11 under the provisions of this section if the victim or offender
12 is located within this Commonwealth.

13 (f) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Booking photograph." A photograph or image of an individual
17 generated by law enforcement for identification purposes in
18 accordance with 61 Pa.C.S. § 1103 (relating to recording system
19 for identification of criminal offenders).

20 Section 2. This act shall take effect in 60 days.