

SENATE FILE NO. SF0053

Unfair trade practices.

Sponsored by: Senator(s) Case, Bebout, Craft and Meier and
Representative(s) Kroeker

A BILL

for

1 AN ACT relating to trade practices; providing for removal
2 of arrest photographs from websites as specified; providing
3 for penalties; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 40-12-601 is created to read:

8

9

ARTICLE 6

10

USE OF ARREST PHOTOGRAPHS

11

12 **40-12-601. Unauthorized use of arrest photographs;**
13 **penalty.**

14

15 (a) A person who operates a website that disseminates
16 photographic records of arrested individuals made by law

1 enforcement agencies as part of routinely documenting an
2 arrest and who charges individuals to remove their
3 photographs shall remove any photograph and related name
4 and personal information from all websites owned or
5 controlled by that person without charging a fee within
6 thirty (30) days of the date of a request to remove the
7 photograph and information if the request:

8

9 (i) Is made in writing; and

10

11 (ii) Contains written documentation that all
12 charges stemming from the arrest for which the photograph
13 was made:

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15 (A) Were resolved through acquittal or
16 otherwise without a conviction; or

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18 (B) Following conviction, were expunged or
19 set aside pursuant to court order.

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21 (b) For purposes of this section, paper or electronic
22 copies of official court records or law enforcement records
23 constitute written documentation.

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1 (c) A person who violates subsection (a) of this
2 section commits an unlawful practice under W.S. 40-12-105.

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4 **Section 2.** W.S. 40-12-105(a) by creating a new
5 paragraph (xvi) is amended to read:

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7 **40-12-105. Unlawful practices.**

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9 (a) A person engages in a deceptive trade practice
10 unlawful under this act when, in the course of his business
11 and in connection with a consumer transaction, he
12 knowingly:

13

14 (xvi) Violates W.S. 40-12-601.

15

16 **Section 3.** This act is effective July 1, 2014.

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(END)