

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1736 Session of 2021

INTRODUCED BY R. MACKENZIE, BROOKS, CIRESI, HILL-EVANS, NEILSON, ROTHMAN, RYAN, SAMUELSON, JOZWIAK AND ZIMMERMAN, JULY 30, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 27, 2021

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 is guilty of a misdemeanor of
12 the second degree if the person:

13 (1) is engaged in publishing or otherwise disseminating
14 a booking photograph taken in accordance with 61 Pa.C.S. §
15 1103 (related to recording system for identification of
16 criminal offenders); and

17 (2) solicits or accepts the payment of a fee or other
18 consideration to remove, correct, modify or refrain from

1 publishing or otherwise disseminating the booking photograph.  
2 (b) Separate violations.--Each payment or other  
3 consideration solicited or accepted in violation of this section  
4 constitutes a separate violation.

5 (C) VIOLATION OF UNFAIR TRADE PRACTICES AND CONSUMER <--  
6 PROTECTION LAW.--CONDUCT THAT WOULD CONSTITUTE AN OFFENSE UNDER  
7 THIS SECTION SHALL BE DEEMED TO BE A VIOLATION OF THE ACT OF  
8 DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE  
9 PRACTICES AND CONSUMER PROTECTION LAW.

10 (D) VENUE.--AN OFFENSE COMMITTED UNDER THIS SECTION IS  
11 DEEMED TO HAVE BEEN COMMITTED WHERE THE SOLICITATION OR  
12 ACCEPTANCE OF A FEE OR OTHER CONSIDERATION WAS MADE OR RECEIVED.

13 (E) TERRITORIAL APPLICABILITY.--A PERSON MAY BE CONVICTED  
14 UNDER THE PROVISIONS OF THIS SECTION IF THE VICTIM OR OFFENDER  
15 IS LOCATED WITHIN THIS COMMONWEALTH.

16 ~~(e)~~ (F) Definitions.--As used in this section, the following <--  
17 words and phrases shall have the meanings given to them in this  
18 subsection unless the context clearly indicates otherwise:

19 "Booking photograph." A photograph or image of an individual  
20 generated by law enforcement for identification purposes in  
21 accordance with 61 Pa.C.S. § 1103.

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