

Effective 11/6/2025

17-72-802 Prohibition on providing copy of booking photograph -- Statement required -- Victim access -- Criminal liability for false statement -- Remedy for failure to remove or delete.

- (1) As used in this section:
 - (a) "Booking photograph" means a photograph or image of an individual that is generated:
 - (i) for identification purposes; and
 - (ii) when the individual is booked into a county jail.
 - (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photograph from the publication or website.
- (2)
 - (a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a copy of the booking photograph if:
 - (i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-for-pay website; or
 - (ii) the booking photograph is a protected record under Subsection 63G-2-305(80).
 - (b)
 - (i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking photograph if:
 - (A)
 - (I) the person making the request is an alleged victim of a crime that resulted in the creation of the booking photograph; and
 - (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with jurisdiction consents to the request; or
 - (B) if an alleged victim is deceased or incapacitated, the person making the request is an immediate family member, guardian, or conservator of an alleged victim of the crime that resulted in the creation of the booking photograph.
 - (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:
 - (A) retain the booking photograph;
 - (B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or
 - (C) disseminate or distribute the booking photograph.
- (3)
 - (a) A person who requests a copy of a booking photograph from a sheriff shall, at the time of making the request, submit a statement signed by the person affirming that the booking photograph will not be placed in a publish-for-pay publication or posted to a publish-for-pay website.
 - (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal liability as provided in Section 76-8-504.
- (4)
 - (a) Except as provided in Subsection (5), a publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within 30 calendar days after the day on which the individual makes the request.
 - (b) A publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) may not condition removal or destruction of the booking photograph on the payment of a fee in an amount greater than \$50.

- (c) If the publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) does not remove and destroy the booking photograph in accordance with Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:
 - (i) all costs, including reasonable attorney fees, resulting from any legal action the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
 - (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
- (5)
 - (a) A publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days after the day on which the individual makes the request if:
 - (i) the booking photograph relates to a criminal charge:
 - (A) on which the individual was acquitted or not prosecuted; or
 - (B) that was expunged, vacated, or pardoned; and
 - (ii) the individual submits, in relation to the request, evidence of a disposition described in Subsection (5)(a)(i).
 - (b) If the publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) does not remove and destroy the booking photograph in accordance with Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:
 - (i) all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
 - (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
 - (c) An act of a publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on the payment of any fee or amount constitutes theft by extortion under Section 76-6-406.

Renumbered and Amended by Chapter 13, 2025 Special Session 1