

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 104

Short Title: Booking Photograph Privacy Act. (Public)

Sponsors: Senators Moffitt, Lowe, and Johnson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 15, 2023

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, 2023.

