

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1585 Session of 2025

INTRODUCED BY BERNSTINE, KAUFFMAN, ROWE, ZIMMERMAN, CIRESI AND HANBIDGE, JUNE 10, 2025

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 8, 2026

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.~~

21 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA
22 CONSOLIDATED STATUTES, IN THEFT AND RELATED OFFENSES, FURTHER
23 PROVIDING FOR THE OFFENSE OF THEFT BY EXTORTION; AND, IN
24 CRIMINAL HISTORY RECORD INFORMATION, PROVIDING FOR REQUEST
25 AND REMOVAL OF THE DISSEMINATION OF BOOKING PHOTOGRAPHS.

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26 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA
27 HEREBY ENACTS AS FOLLOWS:

28 SECTION 1. SECTION 3923 OF TITLE 18 OF THE PENNSYLVANIA
29 CONSOLIDATED STATUTES IS AMENDED BY ADDING SUBSECTIONS TO READ:
30 § 3923. THEFT BY EXTORTION.

31 * * *

32 (A.1) PROHIBITION ON CONSIDERATION FOR THE DESTRUCTION AND

1 REMOVAL OF BOOKING PHOTOGRAPHS.--A PERSON THAT IS ENGAGED IN
2 PUBLISHING OR OTHERWISE DISSEMINATING A BOOKING PHOTOGRAPH
3 COMMITTS AN OFFENSE IF THE PERSON SOLICITS OR ACCEPTS THE PAYMENT
4 OF A FEE OR OTHER CONSIDERATION TO REMOVE AND DESTROY OR REFRAIN
5 FROM PUBLISHING OR OTHERWISE DISSEMINATING THE BOOKING
6 PHOTOGRAPH. EACH PAYMENT OR OTHER CONSIDERATION SOLICITED OR
7 ACCEPTED IN VIOLATION OF THIS SUBSECTION CONSTITUTES A SEPARATE
8 VIOLATION.

9 * * *

10 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "BOOKING
11 PHOTOGRAPH" MEANS A PHOTOGRAPH OR IMAGE OF AN INDIVIDUAL
12 GENERATED BY LAW ENFORCEMENT FOR IDENTIFICATION PURPOSES IN
13 ACCORDANCE WITH 61 PA.C.S. § 1103 (RELATING TO RECORDING SYSTEM
14 FOR IDENTIFICATION OF CRIMINAL OFFENDERS).

15 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
16 § 9126. REQUEST AND REMOVAL OF THE DISSEMINATION OF BOOKING
17 PHOTOGRAPHS.

18 (A) REQUIREMENTS.--A NONCRIMINAL JUSTICE AGENCY THAT IS
19 ENGAGED IN PUBLISHING OR OTHERWISE DISSEMINATING A BOOKING
20 PHOTOGRAPH SHALL:

21 (1) CLEARLY AND CONSPICUOUSLY POST ON THE NONCRIMINAL
22 JUSTICE AGENCY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AN
23 ACTIVE AND MONITORED EMAIL ADDRESS, TELEPHONE NUMBER AND
24 MAILING ADDRESS BY WHICH AN INDIVIDUAL MAY REQUEST THE
25 REMOVAL AND DESTRUCTION OF THE INDIVIDUAL'S BOOKING
26 PHOTOGRAPH.

27 (2) REMOVE AND DESTROY AN INDIVIDUAL'S BOOKING
28 PHOTOGRAPH WITHIN SEVEN CALENDAR DAYS OF RECEIVING A REQUEST
29 FOR REMOVAL AND DESTRUCTION FROM THE INDIVIDUAL IF:

30 (I) THE BOOKING PHOTOGRAPH RELATES TO CRIMINAL

1 CHARGES THAT:

2 (A) RESULTED IN A FINAL DISPOSITION OTHER THAN A
3 CONVICTION;

4 (B) ARE SUBJECT TO A COURT ORDER FOR LIMITED
5 ACCESS AS PROVIDED IN SECTION 9122.1 (RELATING TO
6 PETITION FOR LIMITED ACCESS);

7 (C) WERE GRANTED CLEAN SLATE LIMITED ACCESS
8 UNDER SECTION 9122.2 (RELATING TO CLEAN SLATE LIMITED
9 ACCESS); OR

10 (D) WERE EXPUNGED OR VACATED PURSUANT TO A COURT
11 ORDER OR WERE PARDONED THROUGH EXECUTIVE ACTION.

12 (II) THE INDIVIDUAL REQUESTING REMOVAL AND
13 DESTRUCTION SUBMITS REASONABLE DOCUMENTATION SUPPORTING
14 ELIGIBILITY UNDER THIS PARAGRAPH.

15 (B) SANCTION.--IN ADDITION TO ANY RELIEF PROVIDED UNDER
16 SECTION 9183 (RELATING TO CIVIL ACTIONS), A NONCRIMINAL JUSTICE
17 AGENCY THAT FAILS TO COMPLY WITH SUBSECTION (A) (2) SHALL BE
18 LIABLE FOR A CIVIL PENALTY OF \$100 PER DAY FOR EACH DAY
19 FOLLOWING THE EXPIRATION OF THE SEVEN-CALENDAR-DAY PERIOD DURING
20 WHICH THE BOOKING PHOTOGRAPH REMAINS PUBLISHED OR OTHERWISE
21 DISSEMINATED.

22 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "BOOKING
23 PHOTOGRAPH" MEANS A PHOTOGRAPH OR IMAGE OF AN INDIVIDUAL
24 GENERATED BY LAW ENFORCEMENT FOR IDENTIFICATION PURPOSES IN
25 ACCORDANCE WITH 61 PA.C.S. § 1103 (RELATING TO RECORDING SYSTEM
26 FOR IDENTIFICATION OF CRIMINAL OFFENDERS).

27 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.