

## **Mugshot Websites (Per the Governor's Office of Consumer Protection)**

If someone has been arrested, his or her arrest booking photograph ("mugshot"), along with other information such as the person's name, arrest date and birth date, may be posted on a publically available commercial website. The owners of these websites obtain the photographs from public records and then seek to profit by charging individuals money to remove their photograph from the website.

On May 6, 2013, new Georgia legislation went into effect which requires that, if an individual meets certain criteria, the commercial website must remove his or her mugshot from the website *at no charge* and must do so within thirty (30) days of the date the individual sends a written request to the company.

Below are the categories which qualify an individual for free removal of his or her photograph:

1. Access to his or her case or charges was restricted pursuant to Code Section 35-3-37.
2. Prior to indictment, accusation, or other charging instrument, his or her case was never referred for further prosecution to the proper prosecuting attorney by the arresting law enforcement agency and the offense against such individual was closed by the arresting law enforcement agency.
3. Prior to indictment, accusation, or other charging instrument, the statute of limitations expired.
4. Prior to indictment, accusation, or other charging instrument, his or her case was referred to the prosecuting attorney but was later dismissed.
5. Prior to indictment, accusation, or other charging instrument, the grand jury returned two no bills.
6. After indictment or accusation, all charges were dismissed or nolle prossed.
7. After indictment or accusation, the individual pleaded guilty to or was found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug and was sentenced in accordance with the provisions of Code Section 16-13-2, and the individual successfully completed the terms and conditions of his or her probation; or
8. The individual was acquitted of all of the charges by a judge or jury.

To request the removal of the photograph, the individual must send written correspondence, including his or her name, date of birth, date of arrest and the name of the arresting law enforcement agency. The request must be sent via certified mail, return receipt requested or statutory overnight delivery to the registered agent, principal place of business or the primary residence of the person who publishes the web site.

If a company fails to remove the individual's arrest booking photograph within 30 days, it is in violation of Georgia's Fair Business Practices Act. To submit a complaint against a company who is in violation of this law, contact the Governor's Office of Consumer Protection.