

ORIGINAL SENATE
FILE NO. 0053

ENROLLED ACT NO. 35, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to trade practices; providing for removal of arrest photographs from websites as specified; providing for penalties; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 40-12-601 is created to read:

ARTICLE 6
USE OF ARREST PHOTOGRAPHS

40-12-601. Unauthorized use of arrest photographs; penalty.

(a) A person who operates a website that disseminates photographic records of arrested individuals made by law enforcement agencies as part of routinely documenting an arrest and who charges individuals to remove their photographs shall remove any photograph and related name and personal information from all websites owned or controlled by that person without charging a fee within thirty (30) days of the date of a request to remove the photograph and information if the request:

(i) Is made in writing; and

(ii) Contains written documentation that all charges stemming from the arrest for which the photograph was made:

(A) Were resolved through acquittal or otherwise without a conviction; or

(B) Following conviction, were expunged or set aside pursuant to court order.

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(b) For purposes of this section, paper or electronic copies of official court records or law enforcement records constitute written documentation.

(c) A person who violates subsection (a) of this section commits an unlawful practice under W.S. 40-12-105.

Section 2. W.S. 40-12-105(a) by creating a new paragraph (xvi) is amended to read:

40-12-105. Unlawful practices.

(a) A person engages in a deceptive trade practice unlawful under this act when, in the course of his business and in connection with a consumer transaction, he knowingly:

(xvi) Violates W.S. 40-12-601.

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Section 3. This act is effective July 1, 2014.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk