

CONFIDENTIAL

LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.12 Name of Bill: Commerce and trade, removal of booking photographs from internet

Agency/Dept: Vermont State Police Author of Bill Review: Lt. Brian Miller

Date of Bill Review: 01/22/15 Related Bills and Key Players: _____

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. This bill will prohibit someone from charging a fee to remove a booking photograph on the internet. A fee may not be charged to refrain from posting or distributing the photograph.
2. Is there a need for this bill? Yes, there are open source or pay for information companies that operate on the internet who will use the mug shot as part of the information they harvest. They then try to charge a person to have the mug shot removed if he is exonerated.
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? This may be a difficult crime to investigate due to the nature of the internet and its ability to replicate anything posted on it. Going after each entity that uses the mug shot will be difficult to do. Also if VSP emails mug shots to the media and this photo is ultimately used by the accused internet company the law could be used against law enforcement.
4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? Regulatory agencies may see an increase in cases and complaints of this nature.
5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? Internet providers will be subpoenaed to provide information when an investigation is conducted. They will comply but may try to charge for the service.
6. Other Stakeholders:
 - 6.1 Who else is likely to support the proposal and why? Persons who have been arrested and then exonerated. Law enforcement in general.

6.2 Who else is likely to oppose the proposal and why? Those who believe in free market and do not want the internet regulated. Media outlets or anyone who posts mug shots on the internet may believe they will be subject to prosecution.

- 7. Rationale for recommendation:** *The premise of the bill is a good one that people should not be making money on open source documents. There is the question of who this bill will affect and the ownership of the mug shot photograph once it is posted.*
- 8. Specific modifications that would be needed to recommend support of this bill:** *The bill should be clear that those who legitimately post the mug shot photographs are not libel for misuse of the photo by another.*
- 9. Gubernatorial appointments to board or commission?**

Secretary/Commissioner has reviewed this document



Date: 3/11/15