

**Introduced by Senator Hill**

February 14, 2014

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An act to add Title 1.18.27 (commencing with Section 1798.91.1) to Article 12 of Chapter 1 of Part 4 of Division 3 of the Civil Code, relating to personal data.

LEGISLATIVE COUNSEL'S DIGEST

SB 1027, as introduced, Hill. Criminal record information: commercial use.

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided.

Existing law requires a business to take reasonable steps to protect unintended disclosure of customer information and limits the way personal information on customers can be used and disseminated.

This bill would prohibit a person who publishes criminal record information, as defined, via print or electronic means from soliciting or accepting a fee or other consideration to remove, correct, or modify that information, as specified. The bill would establish civil penalties for violations of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Title 1.18.27 (commencing with Section
- 2 1798.91.1) is added to Article 12 of Chapter 1 of Part 4 of Division
- 3 3 of the Civil Code, to read:

1 TITLE 1.18.27. COMMERCIAL USE OF BOOKING PHOTOS

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3 1798.91.1. (a) It shall be unlawful practice for any person  
4 engaged in publishing or otherwise disseminating criminal record  
5 information through a print or electronic medium to solicit or  
6 accept the payment of a fee or other consideration to remove,  
7 correct, or modify that criminal record information.

8 (b) For the purposes of this section, “criminal record  
9 information” includes all of the following:

10 (1) Descriptions or notations of any arrests, any formal criminal  
11 charges, and the disposition of those criminal charges, including,  
12 but not limited to, any information made available under the  
13 California Public Records Act.

14 (2) Photographs of the person taken pursuant to an arrest or  
15 other involvement in the criminal justice system.

16 (3) Personal identifying information obtained in connection  
17 with an arrest, including a person’s name, address, date of birth,  
18 photograph, and social security number or other government-issued  
19 identification number.

20 (c) Each payment solicited or accepted in violation of these  
21 provisions constitutes a separate violation.

22 (d) A civil penalty of up to one thousand dollars (\$1,000) may  
23 be imposed for each violation of this section.