

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 42**  
**HOUSE BILL 2191**

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 37;  
RELATING TO MUGSHOT WEBSITE OPERATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 37, to read:

4 CHAPTER 37

5 MUGSHOT WEBSITE OPERATORS

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7901. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BOOKING PHOTOGRAPH" MEANS A PHOTOGRAPH OF A SUBJECT INDIVIDUAL  
10 THAT IS TAKEN PURSUANT TO AN ARREST OR OTHER INVOLVEMENT IN THE CRIMINAL  
11 JUSTICE SYSTEM.

12 2. "COMMERCIAL PURPOSE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
13 39-121.03.

14 3. "CRIMINAL JUSTICE RECORD" INCLUDES A BOOKING PHOTOGRAPH AND THE  
15 NAME, ADDRESS AND DESCRIPTION OF AND THE CHARGES FILED AGAINST A SUBJECT  
16 INDIVIDUAL.

17 4. "MUGSHOT WEBSITE OPERATOR" MEANS A PERSON THAT PUBLISHES A  
18 CRIMINAL JUSTICE RECORD ON A PUBLICLY AVAILABLE INTERNET WEBSITE FOR A  
19 COMMERCIAL PURPOSE.

20 5. "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP, ASSOCIATION, JOINT  
21 VENTURE, CORPORATION, LIMITED LIABILITY COMPANY, NONPROFIT ORGANIZATION OR  
22 TRUST OR ANY SIMILAR ENTITY OR ORGANIZED GROUP OF PERSONS.

23 6. "SUBJECT INDIVIDUAL" MEANS AN INDIVIDUAL WHO HAS BEEN ARRESTED.

24 44-7902. Mugshot website operators: prohibited acts:  
25 exceptions

26 A. A MUGSHOT WEBSITE OPERATOR THAT PUBLISHES A SUBJECT INDIVIDUAL'S  
27 CRIMINAL JUSTICE RECORD FOR A COMMERCIAL PURPOSE ON A PUBLICLY ACCESSIBLE  
28 WEBSITE IS DEEMED TO BE TRANSACTING BUSINESS IN THIS STATE.

29 B. A MUGSHOT WEBSITE OPERATOR MAY NOT USE CRIMINAL JUSTICE RECORDS  
30 OR THE NAMES, ADDRESSES, TELEPHONE NUMBERS AND OTHER INFORMATION CONTAINED  
31 IN CRIMINAL JUSTICE RECORDS FOR THE PURPOSE OF SOLICITING BUSINESS FOR  
32 PECUNIARY GAIN, INCLUDING REQUIRING THE PAYMENT OF A FEE OR OTHER VALUABLE  
33 CONSIDERATION IN EXCHANGE FOR REMOVING OR REVISING CRIMINAL JUSTICE  
34 RECORDS THAT HAVE BEEN PUBLISHED ON A WEBSITE OR OTHER PUBLICATION.

35 C. A SUBJECT INDIVIDUAL WHOSE CRIMINAL JUSTICE RECORD IS PUBLISHED  
36 IN VIOLATION OF SUBSECTION B OF THIS SECTION AND WHO SUFFERS A PECUNIARY  
37 LOSS OR WHO IS OTHERWISE ADVERSELY AFFECTED AS A RESULT OF A VIOLATION OF  
38 SUBSECTION B OF THIS SECTION HAS A CAUSE OF ACTION AGAINST THE PERSON  
39 RESPONSIBLE FOR THE VIOLATION AND MAY RECOVER DAMAGES IN ADDITION TO THE  
40 DAMAGES PRESCRIBED IN SUBSECTION D OF THIS SECTION IN ANY COURT OF  
41 COMPETENT JURISDICTION.

42 D. A PERSON THAT VIOLATES SUBSECTION B OF THIS SECTION IS LIABLE  
43 FOR DAMAGES FOR EACH SEPARATE VIOLATION IN AN AMOUNT OF AT LEAST:

44 1. \$100 PER DAY DURING THE FIRST THIRTY DAYS OF THE VIOLATION.

45 2. \$200 PER DAY DURING THE SUBSEQUENT THIRTY DAYS OF THE VIOLATION.

1           3. \$500 PER DAY FOR EACH DAY THEREAFTER.

2           E. THIS ARTICLE DOES NOT APPLY TO ANY ACT PERFORMED FOR THE PURPOSE  
3 OF DISSEMINATING NEWS TO THE PUBLIC, INCLUDING THE GATHERING, PUBLISHING  
4 OR BROADCASTING INFORMATION TO THE PUBLIC FOR A NEWS-RELATED PURPOSE, OR  
5 TO ANY ACT PERFORMED BY A PUBLISHER, OWNER, AGENT, EMPLOYEE OR RETAILER OF  
6 A NEWSPAPER, RADIO STATION, RADIO NETWORK, TELEVISION STATION, TELEVISION  
7 BROADCAST NETWORK, CABLE TELEVISION NETWORK OR OTHER ONLINE NEWS OUTLET  
8 ASSOCIATED WITH ANY NEWS ORGANIZATION IN CONNECTION WITH THE DISSEMINATION  
9 OF NEWS TO THE PUBLIC, INCLUDING THE GATHERING, PUBLISHING OR BROADCASTING  
10 INFORMATION TO THE PUBLIC FOR A NEWS-RELATED PURPOSE.

11           F. THIS ARTICLE DOES NOT APPLY TO ACTIVITIES BY A LICENSED  
12 ATTORNEY, PRIVATE INVESTIGATOR OR REGISTERED PROCESS SERVER THAT ARE  
13 ASSOCIATED WITH PURPOSES RELATING TO A CURRENT OR ANTICIPATED CRIMINAL OR  
14 CIVIL PROCEEDING. THIS SECTION DOES NOT AFFECT THE CONDUCT OF TRIALS OR  
15 THE DISCOVERY PROCESS IN ANY PROCEEDING AS OTHERWISE PROVIDED BY LAW OR  
16 COURT RULE.

APPROVED BY THE GOVERNOR APRIL 1, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2019.