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**CIVIL CODE - CIV**

**DIVISION 3. OBLIGATIONS [1427 - 3273.69]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*  )

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69]** ( *Part 4 enacted 1872.*  )

**TITLE 1.81.27. Commercial Use of Booking Photographs [1798.91.1- 1798.91.1.]** ( *Title 1.81.27 added by Stats. 2014, Ch. 194, Sec. 1.*  )

**1798.91.1.** (a) For the purposes of this section, the following definitions shall apply:

(1) "Booking photograph" means a photograph of a subject individual taken pursuant to an arrest or other involvement in the criminal justice system.

(2) "Subject individual" means an individual who was arrested.

(3) "Person" means a natural person, partnership, joint venture, corporation, limited liability company, or other entity.

(4) "Public entity" means the state, county, city, special district, or other political subdivision therein.

(b) It shall be unlawful practice for any person engaged in publishing or otherwise disseminating a booking photograph through a print or electronic medium to solicit, require, or accept the payment of a fee or other consideration from a subject individual to remove, correct, modify, or to refrain from publishing or otherwise disseminating that booking photograph.

(c) Notwithstanding subdivision (b), a public entity may require and accept a reasonable administrative fee to correct a booking photograph.

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

(e) In addition to any other sanctions, penalties, or remedies provided by law, a subject individual may bring a civil action in any court of competent jurisdiction against any person in violation of this section for damages in an amount equal to the greater of one thousand dollars (\$1,000) per violation or the actual damages suffered by him or her as a result, along with costs, reasonable attorney's fees, and any other legal or equitable relief.

(f) The jurisdiction of a civil action brought pursuant to subdivision (e) shall also include the county in which the subject individual resides at the time of the violation of this section.

(*Added by Stats. 2014, Ch. 194, Sec. 1. (SB 1027) Effective January 1, 2015.*)