

**61.8746 Commercial use of booking photographs or official inmate photographs prohibited -- Conditions -- Right of action -- Damages.**

- (1) A person shall not utilize a booking photograph or a photograph of an inmate taken pursuant to KRS 196.099 originally obtained from a public agency for a commercial purpose if:
  - (a) The photograph will be placed in a publication or posted on a Web site; and
  - (b) Removal of the photograph from the publication or Web site requires the payment of a fee or other consideration.
- (2) Any person who has requested the removal of a booking photograph or photo taken pursuant to KRS 196.099 of himself or herself:
  - (a) Which was subsequently placed in a publication or posted on a Web site; and
  - (b) Whose removal requires the payment of a fee or other consideration;shall have a right of action in Circuit Court by injunction or other appropriate order and may also recover costs and reasonable attorney's fees.
- (3) At the court's discretion, any person found to have violated this section in an action brought under subsection (2) of this section, may be liable for damages for each separate violation, in an amount not less than:
  - (a) One hundred (\$100) dollars a day for the first thirty (30) days;
  - (b) Two hundred and fifty (\$250) dollars a day for the subsequent thirty (30) days; and
  - (c) Five hundred (\$500) dollars a day for each day thereafter.

If a violation is continued for more than one (1) day, each day upon which the violation occurs or is continued shall be considered and constitute a separate violation.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 101, sec. 1, effective July 15, 2016.