

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2016 REGULAR SESSION
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Amend printed copy of HB 132/HCS 1

On page 1, line 1, after "photograph", insert "or a photograph of an inmate taken pursuant to KRS 196.099"; and

On page 1, line 7, delete "booking"; and

On page 1, line 9, delete "booking"; and

On page 1, delete lines 11-20 and insert in lieu thereto:

"(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;

Amendment No. HFA 1

Sponsor: Rep. Gerald Watkins

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

LRC Drafter: Jones, Chandani

Adopted: _____

Date: _____

Rejected: _____

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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."; and

On page 4, delete lines 15-17 and insert in lieu thereto:

"(9) "Booking photograph and photographic record of inmate" means a photograph or image of an individual generated by law enforcement for identification purposes when the individual is booked into a detention facility as defined in KRS 520.010 or photograph and image of an inmate taken pursuant to KRS 196.099."