

**SUBJECT:** Revising laws prohibiting the publication of certain mug shots

**COMMITTEE:** Homeland Security & Public Safety — favorable, without amendment

**VOTE:** 6 ayes — Guillen, Jarvis Johnson, Bowers, Dorazio, Holland, Troxclair  
1 nay — Harless  
2 absent — Canales, Goodwin

**WITNESSES:** For — CJ Grisham, Open Carry Texas (*Registered, but did not testify*: Steven Price, The VOICES of Our Veterans; Cynthia Van Maanen, Travis County Democratic Party; and nine individuals)  
  
Against — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; AJ Louderback, Texas Sheriffs Regional Alliance)  
  
On — Nick Hudson, American Civil Liberties Union of Texas (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas)

**BACKGROUND:** Some have suggested that current law prohibiting businesses from publishing mug shots should be revised to more effectively prevent businesses from posting mug shots online and then charging for their removal.

**DIGEST:** HB 3825 would prohibit a law enforcement agency from publishing an individual's mug shot unless:

- the individual had been convicted of an offense based on the conduct for which the individual was arrested or incarcerated at the time the mug shot was taken;
- the law enforcement agency published the mug shot after determining that the individual was a fugitive or an imminent threat to another individual or public safety, and that releasing the mug shot would assist in apprehending the individual or reducing or

- eliminating the threat; or
- a judge ordered the release of the mug shot based on good cause shown.

The bill would also prohibit a business entity from publishing criminal record information of an individual that included a mug shot unless that individual had been convicted of the offense for which they were arrested or otherwise involved in the criminal justice system and for which the mug shot was taken.

The bill would specify that mug shots were not confidential and would be subject to disclosure under public information

The bill would take effect September 1, 2023, and would apply to a publication of criminal record information that occurred on or after that date.