

Online Mugshot Removal in Georgia

The Problem with Publishing Mugshots Online

Many websites publicize arrest information. Even charges that were dismissed or arrests that occurred due to law enforcement error may appear on such websites, and these websites often charge a fee to remove an individual's criminal record information. While these websites profit, many individuals are denied employment or housing opportunities due to the publishing of their arrest information.

Georgia's Laws on Mugshots

Georgia Justice Project supported two changes in Georgia law to address the issue of online mugshot publication.

2013: Mugshot Removal – Ga. Code Ann. §10-1-393.5

*Requires mugshot companies to remove photos free of charge **if an arrest is eligible for restriction or has been restricted**. The websites must remove photos within 30 days of receiving a written request. Websites that fail to comply will face civil and criminal penalties.*

2014: Mugshots Online – Ga. Code. Ann. §35-1-18

Prohibits law enforcement from publishing mugshots online and prevents mugshot companies from accessing booking photos for the purpose of publishing them online and charging removal fees.

Resources for Assistance with Mugshot Removal

If you have an arrest that is eligible to be restricted and/or has been restricted, and you would like to request removal of mugshot and arrest information, you must send a written request with your name, date of birth, arrest date, and name of the arresting agency. It must be sent to the mugshot company via certified mail with return receipt requested, or statutory overnight delivery. You may include a copy of the final disposition obtained from the clerk of court where your case was resolved, but it is not required.

Please see attached or visit www.GJP.org for a sample mugshot removal letter.

If a company fails to remove your arrest booking photograph within 30 days, you can submit a complaint with the Georgia Department of Law's Consumer Protection Division. Visit <https://consumer.georgia.gov/consumer-topics/mugshot-websites> for details.

Georgia Justice Project does not assist with mugshot removals, but we may be able to assist you with criminal record restriction and sealing. For more information about our Criminal Records Program, call our intake line at 404-827-0027, ext. 238 or visit www.GJP.org.

Letter Requesting Mugshot Removal

(Sent via certified mail with return receipt requested and/or statutory overnight delivery)

Date

Website name

Address of website company

To Whom It May Concern:

I am writing to request the removal of my arrest booking photograph posted on your website located at _____ pursuant to O.C.G.A. §10-1-393.5. Georgia law requires that you remove an arrest booking photograph if the arrest is eligible to be restricted or has been restricted within 30 days of the subject individual sending a written request.

O.C.G.A. §10-1-393.5 states the following: "Any person who is engaged in any activity involving or using a computer or computer network who publishes on such person's publicly available website a subject individual's arrest booking photograph for the purposes of commerce shall be deemed to be transacting business in this state. Within 30 days of the sending of a written request by a subject individual, including his or her name, date of birth, date of arrest and name of the arresting law enforcement agency, such person shall, without compensation, remove from such person's website the subject individual's arrest booking photograph... Without otherwise limiting the definition of unfair and deceptive acts or practices under this part, a failure to comply with this paragraph shall be unlawful."

My arrest is eligible to be restricted and/or has been restricted. I am providing below the required information to remove the photograph. Please see O.C.G.A. §35-3-37 for restriction eligibility.

Name: _____

Date of Birth: _____

Date of Arrest: _____

Arresting Agency: _____

I expect that my arrest booking photograph will be removed from the website _____ by _____ (i.e., 30 days from today's date). Failure to comply shall be unlawful and subject to civil and criminal penalty under Georgia law.

Sincerely,

Name