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13 MAY -3 AM 9:56
HOUSE OF REPRESENTATIVES

Ruth McClendon
BY: _____

McClendon

FLOOR AMENDMENT NO. _____

SB 213

Amend ~~H.B. 2289~~ / ~~C.S.H.B. 2289~~, in SECTION of the bill, as

follows:

On Page 5 of the Bill in SECTION 3, following subparagraph(e) and before subparagraph (f), add the following language:

(1) Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 109 to read as follows:

Sec. 109.001. COPYRIGHT. A criminal justice agency owns a copyright of all photographs created by the agency.

Sec. 109.002. PUBLICATION PERIOD OF PHOTOGRAPHS. (a) A business entity may publish, republish, or otherwise disseminate a copyrighted photograph created by a criminal justice agency for 30 calendar days after the date the photograph was created.

(b) A business entity shall cease publishing, republishing, or otherwise disseminating a copyrighted photograph if during the 30-day period the business entity receives notice that:

(1) an order of expunction has been issued for the offense in connection with which the photograph was taken under Article 55.02, Code of Criminal Procedure;

(2) an order of nondisclosure for the offense in connection with which the photograph was taken has been issued under Section 411.081(d), Government Code;

(3) the prosecution for the offense in connection with which the photograph was taken has been dismissed;

(4) the individual has been acquitted of the offense in connection with which the photograph was taken; or

(5) the individual has successfully completed a term of deferred adjudication community supervision for the offense in connection with which the photograph was taken.

(c) After the expiration of the 30-day period, on request of the person who is the subject of the photograph or the copyright

holder, a business entity shall cease publishing, republishing, or otherwise disseminating the copyrighted photograph.

(d) A business entity may not charge a fee for ceasing publication, republication, or dissemination of a copyrighted photograph under Subsection (b) or (c).

Sec. 109.003. This chapter does not apply to a publication of general circulation or an Internet website related to such a publication that contains news or other information, including a magazine, periodical newsletter, newspaper, pamphlet, or report.