

By: Bucy

H.B. No. 486

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting the publication of certain criminal record  
3 information of individuals involved in the criminal justice system.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 109.005, Business & Commerce Code, is  
6 amended by adding Subsection (a-2) to read as follows:

7 (a-2) Notwithstanding Section 109.003, a business entity  
8 may not publish criminal record information of an individual that  
9 includes a photograph described under Section 109.001(2)(B) unless  
10 the individual who is the subject of the information has been  
11 convicted of an offense arising out of the same transaction for  
12 which the individual was arrested or otherwise involved in the  
13 criminal justice system and pursuant to which the photograph was  
14 taken.

15 SECTION 2. Subchapter B, Chapter 2A, Code of Criminal  
16 Procedure, is amended by adding Article 2A.067 to read as follows:

17 Art. 2A.067. PUBLICATION OF MUG SHOT BY LAW ENFORCEMENT  
18 AGENCY. (a) In this article:

19 (1) "Mug shot" means a photograph of an individual  
20 taken during the process of arresting the individual or booking the  
21 individual into jail.

22 (2) "Publish" has the meaning assigned by Section  
23 109.001, Business & Commerce Code.

24 (b) A law enforcement agency may not publish an individual's

1 mug shot, unless:

2 (1) the individual has been convicted of an offense  
3 based on the conduct for which the individual was arrested or  
4 incarcerated at the time the mug shot was taken;

5 (2) the law enforcement agency publishes the mug shot  
6 after determining that:

7 (A) the individual is:

8 (i) a fugitive; or

9 (ii) an imminent threat to another  
10 individual or to public safety; and

11 (B) releasing the mug shot will assist in  
12 apprehending the individual or reducing or eliminating the threat;  
13 or

14 (3) a judge orders the release of the mug shot based on  
15 good cause shown.

16 (c) Mug shots are not confidential and are subject to  
17 disclosure in accordance with Chapter 552, Government Code.

18 SECTION 3. The changes in law made by this Act apply to any  
19 publication of criminal record information, including a mug shot,  
20 that occurs on or after the effective date of this Act, regardless  
21 of whether:

22 (1) the information relates to an arrest that occurred  
23 before, on, or after that date; or

24 (2) the information was initially published before  
25 that date.

26 SECTION 4. This Act takes effect September 1, 2025.