

115TH CONGRESS
1ST SESSION

H. R. 3539

To amend the Fair Credit Reporting Act to establish a procedure for the removal of a booking photograph from a consumer's file, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. RUSH introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to establish a procedure for the removal of a booking photograph from a consumer's file, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mugshots Elimination
5 Act of 2017”.

1 **SEC. 2. PROCEDURE FOR REMOVAL OF A BOOKING PHOTO-**
2 **GRAPH FROM A CONSUMER'S FILE BY A CON-**
3 **SUMER REPORTING AGENCY.**

4 Section 605 of the Fair Credit Reporting Act (15
5 U.S.C. 1681c) is amended by adding at the end the fol-
6 lowing new subsection:

7 “(i) PROCEDURE FOR REMOVAL OF BOOKING PHO-
8 TOGRAPH FROM FILE.—

9 “(1) IN GENERAL.—If a consumer desires to re-
10 move a booking photograph of the consumer con-
11 tained in the consumer's file at a consumer report-
12 ing agency, the consumer may submit a request to
13 remove such booking photograph to the agency di-
14 rectly, or indirectly through a reseller, or to the fur-
15 nisher of such booking photograph. The consumer
16 reporting agency shall remove such booking photo-
17 graph from the consumer's file—

18 “(A) not later than 30 days after the re-
19 ceipt of such a request, if the consumer submits
20 such request to the agency directly or indirectly
21 through a reseller;

22 “(B) not later than 45 days after the re-
23 ceipt of such a request, if the consumer submits
24 such request to the furnisher of such booking
25 photograph.

1 “(2) NOTIFICATION TO CONSUMER REPORTING
2 AGENCY.—If a furnisher of a booking photograph re-
3 ceives a request from a consumer to remove such
4 booking photograph from the consumer’s file, such
5 furnisher shall submit such request to each con-
6 sumer reporting agency described under section
7 603(p) not later than 5 days after receipt of such
8 request.

9 “(3) BOOKING PHOTOGRAPH DEFINED.—In this
10 subsection, the term ‘booking photograph’ means a
11 photograph of a consumer taken—

12 “(A) at the time of arrest;

13 “(B) at the time the consumer enters into
14 custody prior to or during that consumer’s trial;
15 or

16 “(C) upon conviction or thereafter, when
17 committed to the custody of any correctional
18 agency or facility.”.

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