

California State Senate

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SENATOR
JERRY HILL

THIRTEENTH SENATE DISTRICT



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November 9, 2017

The Honorable Xavier Becerra
Attorney General, State of California
1300 I Street
Sacramento, CA 95814

Dear Attorney General Becerra,

In 2014 I authored SB 1027, which established Civil Code Section 1798.91.1, making it unlawful to solicit or accept payment to remove, correct, modify, or refrain from disseminating mug shots. I introduced the bill because of the proliferation of websites that charge hundreds of dollars, and in some cases thousands of dollars, to have police mug shots removed from their sites. The development of online mug shot websites transformed the dissemination of arrest information from being about serving the public good, to being about making a profit.

Periodically, my staff checks into the implementation of the bills I've authored. My staff conducted a review of online mug shot websites and almost all have stopped the practice of extorting Californians to have their mugshots taken down. However, my staff found one website – <http://whogotarrested.org/> – that still charges to remove a website in violation of Civil Code Section 1798.91.1.

While it doesn't appear possible to filter the mug shots on the website by state, my staff was able to locate multiple Californians with mug shots on the website.

The main remedy established by SB 1027 is for an individual to bring a civil suit, but it's my understanding that the Attorney General can also enforce the law under the unfair and fraudulent trade practices laws (Bus. & Prof. Code Sec. 17200 *et seq.*). I'm respectfully requesting that your office determine whether or not enforcement of B&P Code Section 17200 *et seq.* is appropriate with regards to <http://whogotarrested.org/> to ensure that the website is following the law.

Thank you for your consideration. Should you or your staff have any questions, please do not hesitate to contact me or have your staff contact Patrick Welch in my office at (916) 651-4013.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Hill", with a long horizontal flourish extending to the right.

Jerry Hill
State Senator, 13th District