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Are You Picture Perfect? AB 994 and Posting Mugshots on Law Enforcement Social Media Accounts

On September 23, 2023, Governor Gavin Newsom signed Assembly Bill (“AB”) 994 into law. AB 994, [effective January 1, 2024](#), imposes new requirements on how and when [law enforcement](#) agencies may share and remove booking photographs—commonly known as mugshots—of persons arrested for nonviolent crimes on their social media accounts.

[Until January 1, 2024](#) when a law enforcement agency posts a mugshot of a nonviolent arrestee to its social media account, it does not have to take the mugshot down until the arrestee requests that it be taken down and provides documentation related to the arrest.

[Starting January 1, 2024](#), if a law enforcement agency posts a person’s mugshot for a nonviolent crime, it must remove the mugshot from its social media account within 14 days unless:

1. the suspect is a fugitive or imminent threat to public safety;
2. a judge orders the photograph released; or
3. exigent circumstances require the law enforcement agency to continue to have the photograph posted.

This requirement applies retroactively to mugshots posted before January 1, 2024. Law enforcement agencies should revise their social media policies by January 1, 2024 to require the removal of mugshots of nonviolent arrestees after 14 days unless one of the exceptions above applies.

[Starting January 1, 2024](#), if a law enforcement agency shares an individual’s mugshot for a nonviolent crime on social media, it must use the name and pronouns given by the individual. The agency may include other legal names or known aliases of the person if it will assist the agency in locating or apprehending the individual or help eliminate an imminent threat to public safety.