California Paparazzi Laws

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**Summary of issue**

It seems that today’s society is full of a need of celebrity related gossip. With the instant access to gossip through social media, television, magazines, websites and smartphones, the competition of paparazzi is at an all-time high. Celebrities are having their pictures snapped at the gym, shopping, at lunch, or leaving the house. At popular places, it is not uncommon for multiple paparazzi to be standing outside competing against one another for the best photo to sell to a company.

Many feel as if celebrities sign up for this lifestyle. This is a debate that can be found in numerous articles. Some feel it is a small price to pay for fame. Others feel it is unfair for anyone’s privacy to be taken away without a say in the matter. The newest update to the California paparazzi laws do not necessarily acknowledge this debate, What is a larger concern involves those too young to decide whether or not they would like to be involved in the spotlight. This is why an amendment to the California Privacy Law was made.

“AB 1256 amends the California Privacy Law to include within the definition of ‘personal and familial activity’ activities of children occurring at private and public schools, activities occurring at various medical facilities, and activities occurring where a reasonable expectation of privacy exists at other locations. It also creates a new section in the law that creates buffer zones around entrances and exits at specified facilities, including schools and medical facilities, to prevent barriers and obstructions from impeding ingress and egress to and from such facilities, and to prevent the interruption of important and vital functions of such facilities” (The PAPARAZZI).

This update was made to protect the children of the rich and famous that are not yet able to make decisions in regards to their privacy. This amendment is to “include as actionable placing someone ‘under surveillance’ in a way that causes ‘substantial emotional distress,’ if all other elements of the law are proved. Licensed private investigators, law enforcement agencies and some other organizations and purposes for surveillance are exempt” (The PAPARAZZI). This law has the goal of protecting those who are feeling that their privacy is being detrimental to their health.

“Under a new state law, a photographer can be sent to prison for trying to take a photo of a celebrity’s son or daughter without permission — either by following the child or lying in wait — and causing the child to suffer ‘substantial emotional distress’” (California). This law helps to maintain equality between regular children and those that are more well-known. It would be an issue for any of us to have pictures of our children taken by strangers. This law is to protect celebrity babies from the same type of issue. This law serves as a stepping stone towards more privacy for celebrities. “To be convicted, a jury would have to conclude that a reasonable child in a similar situation would have suffered such trauma. Repeat offenders face up to $30,000 in fines and a year in jail” (California).

“The law doesn’t actually refer to “celebrities” but expands the definition and increases the penalties for the crime of harassing a child under the age of 16 “because of the employment of the child’s parent or guardian” (California). This law is made to include all children, but this issue has surfaced from the disdain and fear held by current celebrities residing in the Los Angeles area. Although this can be considered a 1st Amendment issue, this law had to override the debate by making a decision that was best for the health and well-being of celebrity children in the spotlight.

**Current Relevance of Issue**

This has been an extremely relevant case in today’s news and Hollywood gossip sites. Many stars and starlets are standing up to the paparazzi when their children are in jeopardy of being stalked and belittled. Paparazzi have become so involved in the lives of celebrities that they conflicts between star and paparazzi are actually being reported to tabloids as newsworthy stories.

When conducting research, Halle Berry was one of the most common names in terms of her advocacy. “’I don't want a gang of shouting, arguing, law-breaking photographers who camp out everywhere we are, all day, every day, to continue to traumatize my kids,’ she said, according to the Associated Press” (Halle). Halle believes that paparazzi bombarding her family will end in traumatic memories for her children. As a result, Berry testified in court for stricter laws.

“Berry, who is pregnant, said she was trying to “protect her children and protect their rights,” and that the constant presence of photographers yelling and snapping pictures has made her young daughter afraid to go to school. It was her second appearance in Sacramento this summer to testify in support of the bill” (Halle).

During the testimony, Berry continued to express the concern for her child’s well-being. “My daughter doesn’t want to go to school because she knows ‘the men’ are watching for her,” Berry testified” (Suri). Stalking the children while at school where safety should be key seems to be the main concern for young children. “They are allowed to be so close to her that they can shout obscenities to me and ask her questions that are inappropriate for a 5-year-old to have to answer," Berry said, according to the Sacramento Bee” (Halle). Halle has been very involved in the idea of making a change that is far more safe and healthy for the children of the rich and famous.

Another example can be found within the Kardashian family. The Kardashians are found on nearly every magazine cover, television station, and social media website. However, this millionaire family has made it very apparent that they do not wish to have their children involved without their consent. In more recent media, father of the newest Kardashian, Kanye West, has paid a fine and is now on probation for a squabble. Kourtney Kardashian has also been very strict in terms of her children’s’ privacy. Very recently, Kourtney was in the news for a traumatic paparazzi event that involved her youngest, Penelope Disick.

“Poor Kourtney gets basically cornered at one point, with adorable Penelope squirming in her arms. The young girl almost starts to cry during all the mayhem. That's when Kourtney finally reacts. Scott Disick's baby mama suddenly exclaims, "Don't talk to me ever when I'm with my kids!" When photogs continue bombarding her with questions, Kourtney finally yells, "Shut the f\*ck up! “The paparazzo wanted a reaction, and that's exactly what he got” (Kourtney).

This event made headlines due to the obvious anger and fear by mother Kourtney. She later went on talk shows to discuss the urgency of passing these laws. Kardashian has explained that she is aware of her lifestyle and that paparazzi that follows. However, she wishes to keep her child’s life safe and private until both children are old enough to understand the situation fully and maturely.

A final example can be found with a well known child that has been in the media for several years. Suri Cruise has been in the limelight of the paparazzi since she began wearing heels at such a young age. With the recent split of Tom Cruise and Katy Holmes, the paparazzi have been on a hunt to sell any pictures available to businesses. A recent story explained a time when the paparazzi fought back to the child due to her unwelcomed attitude. The paparazzi were attempting to take pictures, but Suri was less than pleased. The paparazzi argued back with frustration. “Seven-year-old Suri Cruise got a lesson on the ugly side of celebrity when a paparazzo called her a “little brat” and a “b---h” (Suri). Katy Holmes has gone on the record to say that this mayhem may be detrimental to her child’s mental health.

These examples exemplify why these changes will be healthy for younger children who do not know what is happening. Until these children are mature enough to understand these situations, it is in their best interests that they are kept out of the spotlight and away from paparazzi.

**Interview**

In terms of questioning a source for new perspectives, an interview was conducted with an employee of Full Picture PR located in West Hollywood, CA. This firm is one of the largest and is stationed in West Hollywood as well as New York City. I interviewed Kristal Milnik. I feel as a social media representative, she would have new and interesting insight on how these laws impact the other side of the spectrum. While concentration has been on the children and the need for safety, it seemed appropriate to discuss this matter with someone who works at a company where exposure is needed to keep stars and starlets on the rise. Kristal provided insight from a separate perspective.

My main question involved the overall pros and cons of this law from a business perspective. Kristal works mainly with social media so she was able to provide good insight in terms of this ban of pictures of young children.

For a Public Relations firm, this law is both good and bad for business. When asked for the pros, Kristal stated,

“This law allows for more discretion. As a PR firm, we like to be the ones to choose what is revealed and what isn’t. The recent increase in paparazzi has made it harder for us to help stars retain their image. Paparazzi seem to do everything in their power to get a photo. Even worse, they are known to bully celebrities verbally in an attempt to get a reaction. If you get a photo AND a reaction, then you have a story to sell as opposed to just a photo. While this law is aimed specifically at the young ones accompanying their parents, it is also providing a larger sense of privacy and protection for our clientele”.

From a PR perspective, this law helps the firm to better protect the representation of their client’s image and safety.

 For cons, this law has a small effect on the firm. During the interview, I asked how this law might affect the industry in a negative way. “The scary thing about the PR business is the fact that exposure is needed. Our clients need to be in the public eye to stay relevant with the press. Laws restricting the amount of coverage allowed is good for their safety, but may be bad for business once there are restrictions on what the media can publish”.

 A question was asked in terms of an overall opinion on the law. Kristal replied with, “At our firm, we love our clients and work so hard with them. On a personal level, I am so pleased with the movement of safety for our clients and their children”. While this law will affect these firms and paparazzi, what is important is the safety of those who did not yet understand these situations.

**Works Cited:**

California Paparazzi Law Puts First Amendment in Spotlight - Law Blog - WSJ. (n.d.). *Law Blog RSS*. Retrieved May 23, 2014, from http://blogs.wsj.com/law/2013/10/22/california-paparazzi-law-puts-first-amendment-in-spotlight/

Halle Berry, Jennifer Garner testify on paparazzi bill. *Los Angeles Times*. Retrieved May 23, 2014, from http://articles.latimes.com/2013/aug/14/local/la-me-ln-halle-berry-jennifer-garner-paparazzi-bill-20130814

Kourtney Kardashian harassed by paparazzi, daughter Penelope cries in arms [VIDEO]: sister spotted out with Kim Kardashian and North West, 'Don't talk when I'm with my kids!'. (n.d.). *Mstarz RSS*. Retrieved May 23, 2014, from http://www.mstarz.com/articles/23446/20131217/kourtney-kardashian-harassed-paparazzi-daughter-penelope-cries-in-arms-video-sister-spotted-out-kim-kardashian-north-west-dont-talk-when-im-with-kids.htm

Suri Cruise called a 'little brat' and 'b---h' by paparazzo as she's photographed with mom Katie Holmes. (n.d.). *NY Daily News*. Retrieved May 23, 2014, from http://www.nydailynews.com/entertainment/gossip/suri-cruise-called-brat-b-paparazzo-article-1.1397122

The PAPARAZZI Reform Initiative - Paparazzi Laws and News. (n.d.). *The PAPARAZZI Reform Initiative - Paparazzi Laws and News*. Retrieved May 23, 2014, from http://www.paparazzi-reform.org/