

HB289 INTRODUCED



1 OQ6QMM-1

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6 RFD: Public Safety and Homeland Security

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SYNOPSIS:

This bill would provide for the circumstances and procedures to disclose or release recordings made by body-worn cameras or dashboard cameras used by law enforcement agencies.

This bill would specify who may request disclosure or release of recordings and would provide the procedure for requesting disclosure or release of recordings.

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement agency recordings; to provide for circumstances and procedures to disclose or release recordings made by body-worn cameras or dashboard cameras used by law enforcement agencies; and to provide who may request disclosure or release and the procedure for requesting disclosure or release of recordings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms have the following meanings:

(1) BODY-WORN CAMERA. An operational video or digital



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29 camera or other electronic device, including a microphone or
30 other mechanism to capture audio, affixed to the uniform or
31 person of law enforcement agency personnel and positioned in a
32 way that allows the camera or device to capture interactions
33 between law enforcement agency personnel and others.

34 (2) CUSTODIAL LAW ENFORCEMENT AGENCY. The law
35 enforcement agency that owns or leases or whose personnel
36 operates the equipment that created the recording at the time
37 the recording was made.

38 (3) DASHBOARD CAMERA. A device or system installed or
39 used in a law enforcement agency vehicle that electronically
40 records images or audio of interactions between law
41 enforcement agency personnel and others. This term does not
42 include a body-worn camera.

43 (4) DISCLOSE or DISCLOSURE. To make a recording
44 available for viewing or listening at a time and location
45 chosen by the custodial law enforcement agency. This term does
46 not include the release of a recording.

47 (5) PERSONAL REPRESENTATIVE. A parent, court-appointed
48 guardian, spouse, or attorney of an individual whose image or
49 voice is in the recording. If an individual whose image or
50 voice is in the recording is deceased, the term also means the
51 personal representative of the estate of the deceased
52 individual; the deceased individual's surviving spouse,
53 parent, or adult child; the deceased individual's attorney; or
54 the parent or guardian of a surviving minor child of the
55 deceased.

56 (6) RECORDING. A visual, audio, or visual and audio



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57 recording captured by a body-worn camera, a dashboard camera,
58 or any other video or audio recording device operated by or on
59 behalf of a law enforcement agency or law enforcement agency
60 personnel when carrying out law enforcement responsibilities.
61 This term does not include any video or audio recordings of
62 interviews regarding agency internal investigations or
63 interviews or interrogations of suspects or witnesses.

64 (7) RELEASE. To provide a copy of a recording.

65 Section 2. Recordings are not personnel records of any
66 individual employed as a law enforcement officer by a
67 municipality, sheriff's department, or any agency of the
68 state.

69 Section 3. (a) Recordings in the custody of a law
70 enforcement agency shall be disclosed only as provided by this
71 act. An individual requesting disclosure of a recording must
72 make a written request to the head of the custodial law
73 enforcement agency that states the date and approximate time
74 of the activity captured in the recording or otherwise
75 identifies the activity with reasonable particularity
76 sufficient to identify the recording to which the request
77 refers.

78 (b) Nothing in this act shall limit or restrict the
79 application of the Alabama Rules of Civil Procedure as they
80 may be applied to the custodial law enforcement agency,
81 including, but not limited to Rule 45, nor Chapter 21 of Title
82 12, Code of Alabama 1975.

83 (c) A custodial law enforcement agency may only
84 disclose a recording to the following:



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85 (1) An individual whose image or voice is in the
86 recording.

87 (2) A personal representative of an adult individual
88 whose image or voice is in the recording if the adult
89 individual has consented to the disclosure.

90 (3) A personal representative of a minor whose image or
91 voice is in the recording.

92 (4) A personal representative of an adult individual
93 under lawful guardianship whose image or voice is in the
94 recording.

95 (5) A personal representative of an adult individual
96 who is incapacitated and unable to provide consent to
97 disclosure whose image or voice is in the recording.

98 (6) A personal representative of a deceased individual
99 whose image or voice is in the recording.

100 (d) When disclosing a recording, the custodial law
101 enforcement agency shall disclose only those portions of the
102 recording that are relevant to the individual's request.

103 (e) An individual who receives disclosure pursuant to
104 this section shall not record or copy the recording.

105 Section 4. Upon receipt of the written request for
106 disclosure, as promptly as possible, the custodial law
107 enforcement agency must do either of the following:

108 (1) Disclose the portion of the recording relevant to
109 the individual's request.

110 (2) Notify the requestor of the custodial law
111 enforcement agency's decision not to disclose the recording. A
112 custodial law enforcement agency may choose to not disclose



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113 the recording if the disclosure would negatively affect an
114 ongoing active law enforcement investigation.

115 Section 5. Any recording subject to this act shall be
116 retained for at least the period of time required by the
117 applicable records retention and disposition schedule
118 developed by the Alabama State Law Enforcement Agency.

119 Section 6. This act shall become effective on the first
120 day of the third month following its passage and approval by
121 the Governor, or its otherwise becoming law.