

HB289 ENROLLED



1 OQ6QMM-3
2 By Representatives Givan, Moore (M), Morris, Rogers, Bracy,
3 Jones, Jackson, Clarke, Ensler, Boyd, Travis, Gray, Hollis,
4 McCampbell, Lawrence, Chestnut, Warren, Tillman, Plump,
5 Hassell, McClammy
6 RFD: Public Safety and Homeland Security
7 First Read: 11-Apr-23
8 2023 Regular Session



HB289 Enrolled

1 Enrolled, An Act,

2

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 (1) BODY-WORN CAMERA. An operational video or digital
13 camera or other electronic device, including a microphone or
14 other mechanism to capture audio, affixed to the uniform or
15 person of law enforcement agency personnel and positioned in a
16 way that allows the camera or device to capture interactions
17 between law enforcement agency personnel and others.

18 (2) CUSTODIAL LAW ENFORCEMENT AGENCY. The law
19 enforcement agency that owns or leases or whose personnel
20 operates the equipment that created the recording at the time
21 the recording was made. If another law enforcement agency
22 takes over the investigation of the recorded incident, that
23 agency becomes the custodial law enforcement agency for the
24 purposes of this act.

25 (3) DASHBOARD CAMERA. A device or system installed or
26 used in a law enforcement agency vehicle that electronically
27 records images or audio of interactions between law
28 enforcement agency personnel and others. This term does not



HB289 Enrolled

29 include a body-worn camera.

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

34 (5) PERSONAL REPRESENTATIVE. A parent, court-appointed
35 guardian, spouse, or attorney of an individual whose image or
36 voice is the subject of the recording. If an individual whose
37 image or voice is the subject of the recording is deceased,
38 the term also means the personal representative of the estate
39 of the deceased individual; the deceased individual's
40 surviving spouse, parent, or adult child; the deceased
41 individual's attorney; or the parent or guardian of a
42 surviving minor child of the deceased.

43 (6) RECORDING. A visual, audio, or visual and audio
44 recording captured by a body-worn camera, a dashboard camera,
45 or any other video or audio recording device operated by or on
46 behalf of a law enforcement agency or law enforcement agency
47 personnel when carrying out law enforcement responsibilities.
48 This term does not include any video or audio recordings of
49 interviews regarding agency internal investigations or
50 interviews or interrogations of suspects or witnesses.

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

52 Section 2. Recordings are not personnel records of any
53 individual employed as a law enforcement officer by a
54 municipality, sheriff's department, or any agency of the
55 state.

56 Section 3. (a) Recordings in the custody of a law



HB289 Enrolled

57 enforcement agency shall be disclosed to an individual or
58 personal representative only as provided by this act. This act
59 does not apply to the exchange of recordings between law
60 enforcement or prosecuting agencies. An individual requesting
61 disclosure of a recording must make a written request to the
62 head of the custodial law enforcement agency that states the
63 date and approximate time of the activity captured in the
64 recording or otherwise identifies the activity with reasonable
65 particularity sufficient to identify the recording to which
66 the request refers.

67 (b) Nothing in this act shall limit or restrict the
68 application of the Alabama Rules of Civil Procedure as they
69 may be applied to the custodial law enforcement agency,
70 including, but not limited to Rule 45, nor Chapter 21 of Title
71 12, Code of Alabama 1975.

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

74 (1) An individual whose image or voice is the subject
75 of the recording.

76 (2) A personal representative of an adult individual
77 whose image or voice is the subject of the recording if the
78 adult individual has consented to the disclosure.

79 (3) A personal representative of a minor whose image or
80 voice is the subject of the recording.

81 (4) A personal representative of an adult individual
82 under lawful guardianship whose image or voice is the subject
83 of the recording.

84 (5) A personal representative of an adult individual



HB289 Enrolled

85 who is incapacitated and unable to provide consent to
86 disclosure whose image or voice is the subject of the
87 recording.

88 (6) A personal representative of a deceased individual
89 whose image or voice is the subject of the recording.

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

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

95 Section 4. (a) Upon receipt of the written request for
96 disclosure, as promptly as possible, the custodial law
97 enforcement agency must do either of the following:

98 (1) Disclose the portion of the recording relevant to
99 the individual's request.

100 (2) Notify the requestor of the custodial law
101 enforcement agency's decision not to disclose the recording. A
102 custodial law enforcement agency may choose to not disclose
103 the recording if the disclosure would affect an ongoing active
104 law enforcement investigation or prosecution.

105 (b) A custodial law enforcement agency may charge a
106 reasonable fee for redaction and editing of a recording.

107 Section 5. Any recording subject to this act shall be
108 retained for at least the period of time required by the
109 applicable records retention and disposition schedule.

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



HB289 Enrolled

113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 24-May-23, as amended.

John Treadwell
Clerk

Senate

01-Jun-23

Passed