

# HOUSE BILL 429

E4

2lr1273

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By: **Delegate Lopez**

Introduced and read first time: January 20, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Agencies – Body-Worn Cameras**

3 FOR the purpose of requiring certain law enforcement agencies, on or before certain dates,  
4 to require the use of body-worn cameras by certain law enforcement officers, subject  
5 to a certain policy; requiring certain law enforcement agencies to issue body-worn  
6 cameras to law enforcement officers who are required to use body-worn cameras;  
7 and generally relating to law enforcement agencies and body-worn cameras.

8 BY repealing and reenacting, with amendments,

9 Article – Public Safety

10 Section 3–511

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

13 (As enacted by Chapter 60 of the Acts of the General Assembly of 2021)

14 BY repealing and reenacting, without amendments,

15 Article – Public Safety

16 Section 5–101(a) and (h)

17 Annotated Code of Maryland

18 (2018 Replacement Volume and 2021 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Public Safety**

22 3–511.

23 (a) **(1)** In this section[, “law] **THE FOLLOWING WORDS HAVE THE**  
24 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) “FIREARM” HAS THE MEANING STATED IN § 5-101 OF THIS**  
2 **ARTICLE.**

3                   **(3) “LAW enforcement agency” has the meaning stated in § 3-201 of this**  
4 **title.**

5           (b) On or before January 1, 2016, the Maryland Police Training and Standards  
6 Commission shall develop and publish online a policy for the issuance and use of a  
7 body-worn camera by a law enforcement officer that addresses:

8                   (1) the testing of body-worn cameras to ensure adequate functioning;

9                   (2) the procedure for the law enforcement officer to follow if the camera  
10 fails to properly operate at the beginning of or during the law enforcement officer’s shift;

11                   (3) when recording is mandatory;

12                   (4) when recording is prohibited;

13                   (5) when recording is discretionary;

14                   (6) when recording may require consent of a subject being recorded;

15                   (7) when a recording may be ended;

16                   (8) providing notice of recording;

17                   (9) access to and confidentiality of recordings;

18                   (10) the secure storage of data from a body-worn camera;

19                   (11) review and use of recordings;

20                   (12) retention of recordings;

21                   (13) dissemination and release of recordings;

22                   (14) consequences for violations of the agency’s body-worn camera policy;

23                   (15) notification requirements when another individual becomes a party to  
24 the communication following the initial notification;

25                   (16) specific protections for individuals when there is an expectation of  
26 privacy in private or public places; and

1 (17) any additional issues determined to be relevant in the implementation  
2 and use of body-worn cameras by law enforcement officers.

3 (c) (1) (i) This paragraph applies to:

- 4 1. the Department of State Police;
- 5 2. the Anne Arundel County Police Department;
- 6 3. the Howard County Police Department; and
- 7 4. the Harford County Sheriff's Office.

8 (ii) On or before July 1, 2023, a law enforcement agency to which this  
9 paragraph applies shall require the use of body-worn cameras, subject to the policy on the  
10 use of body-worn cameras developed by the law enforcement agency, by each law  
11 enforcement officer employed by the law enforcement agency who:

12 1. regularly interacts with members of the public as part of  
13 the law enforcement officer's official duties, **REGARDLESS OF WHETHER THE LAW**  
14 **ENFORCEMENT OFFICER IS IN UNIFORM OR IN PLAIN CLOTHES;**

15 2. **CARRIES A FIREARM AS PART OF THE LAW**  
16 **ENFORCEMENT OFFICER'S OFFICIAL DUTIES; OR**

17 3. **CARRIES A FIREARM ISSUED BY A LAW ENFORCEMENT**  
18 **AGENCY WHILE OFF DUTY AND IN PUBLIC.**

19 (2) On or before July 1, 2025, [a] ALL law enforcement [agency of a county]  
20 AGENCIES, other than a law enforcement agency described in paragraph (1) of this  
21 subsection, shall require the use of body-worn cameras, subject to the policy on the use of  
22 body-worn cameras developed by the law enforcement agency, by each law enforcement  
23 officer employed by the law enforcement agency who:

24 (I) regularly interacts with members of the public as part of the law  
25 enforcement officer's official duties, **REGARDLESS OF WHETHER THE LAW**  
26 **ENFORCEMENT OFFICER IS IN UNIFORM OR IN PLAIN CLOTHES;**

27 (II) **CARRIES A FIREARM AS PART OF THE LAW ENFORCEMENT**  
28 **OFFICER'S OFFICIAL DUTIES; OR**

29 (III) **CARRIES A FIREARM ISSUED BY A LAW ENFORCEMENT**  
30 **AGENCY WHILE OFF DUTY AND IN PUBLIC.**

1           **(3) A LAW ENFORCEMENT AGENCY SHALL ISSUE A BODY-WORN**  
2 **CAMERA TO A LAW ENFORCEMENT OFFICER WHO IS REQUIRED TO USE A**  
3 **BODY-WORN CAMERA UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION.**

4           (d) (1) A law enforcement agency described in subsection (c) of this section  
5 shall develop and maintain a written policy consistent with the policy published by the  
6 Maryland Police Training and Standards Commission under subsection (b) of this section  
7 for the use of body-worn cameras.

8           (2) A policy developed and maintained under paragraph (1) of this  
9 subsection shall specify [which] **WHEN** law enforcement officers employed by the law  
10 enforcement agency are required to use body-worn cameras.

11           (e) A body-worn camera that possesses the requisite technological capability  
12 shall automatically record and save at least 60 seconds of video footage immediately prior  
13 to the officer activating the record button on the device.

14           (f) A law enforcement agency may not negate or alter any of the requirements or  
15 policies established in accordance with this section through collective bargaining.

16 5-101.

17           (a) In this subtitle the following words have the meanings indicated.

18           (h) (1) “Firearm” means:

19                   (i) a weapon that expels, is designed to expel, or may readily be  
20 converted to expel a projectile by the action of an explosive; or

21                   (ii) the frame or receiver of such a weapon.

22           (2) “Firearm” includes a starter gun.

23           **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July  
24 1, 2022, the effective date of Section 1 of Chapter 60 of the Acts of the General Assembly of  
25 2021. If the effective date of Section 1 of Chapter 60 is amended, this Act shall take effect  
26 on the taking effect of Section 1 of Chapter 60.