

1 **Law Enforcement Investigation Modifications**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Calvin R. Musselman

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the activation and use of body-worn cameras by law enforcement
6 officers.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ exempts a law enforcement officer who wears a body-worn camera and is a part of a
10 narcotics unit or task force ~~that~~ **or engaged in an undercover operation** ~~from~~ from certain
10a requirements relating to the activation and use
11 of the body-worn camera; and

12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **77-7a-104**, as last amended by Laws of Utah 2020, Chapter 404

20 REPEALS:

21 **77-7a-101**, as enacted by Laws of Utah 2016, Chapter 410

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **77-7a-104** is amended to read:

25 **77-7a-104 . Activation and use of body-worn cameras.**

26 (1) As used in this section:

27 (a) "Health care facility" means the same as that term is defined in Section 78B-3-403.

28 (b) "Health care provider" means the same as that term is defined in Section 78B-3-403.

29 (c) "Hospital" means the same as that term is defined in Section 78B-3-403.

- 30 (d) "Human service program" means the same as that term is defined in Section
 31 26B-2-101.
- 32 (2) Except as provided in Subsection (5), an officer using a body-worn camera:
- 33 [(1)] (a) ~~[An officer using a body-worn camera]~~ shall verify that the equipment is
 34 properly functioning as is reasonably within the officer's ability[-] ;
- 35 [(2)] (b) ~~[An officer]~~ shall report any malfunctioning equipment to the officer's
 36 supervisor if:
- 37 [(a)] (i) the body-worn camera issued to the officer is not functioning properly upon
 38 initial inspection; or
- 39 [(b)] (ii) ~~[an]~~ the officer determines that the officer's body-worn camera is not
 40 functioning properly at any time while the officer is on duty[-] ;
- 41 [(3)] (c) ~~[An officer]~~ shall wear the body-worn camera so that it is clearly visible to the [
 42 ~~person]~~ individual being recorded[-] ;
- 43 [(4)] (d) ~~[An officer]~~ shall activate the body-worn camera prior to any law enforcement
 44 encounter, or as soon as reasonably possible[-] ;
- 45 [(5)] (e) ~~[An officer]~~ shall record in an uninterrupted manner until after the conclusion of
 46 a law enforcement encounter, except as an interruption of a recording is allowed
 47 under this section[-] ;
- 48 [(6)] (f) ~~[When]~~ shall, when going on duty and off duty, ~~[an officer who is issued a~~
 49 ~~body-worn camera shall]~~ record the officer's name, identification number, and the
 50 current time and date, unless the information is already available due to the
 51 functionality of the body-worn camera[-] ;
- 52 [(7)] (g) ~~[If a]~~ shall, if the body-worn camera was present during a law enforcement
 53 encounter, ~~[the officer shall]~~ document the presence of the body-worn camera in any
 54 report or other official record of a contact[-] ;
- 55 [(8)] (h) ~~[When a]~~ except as provided in Subsection (2)(i), when the body-worn camera
 56 has been activated during the officer's direct participation in a law enforcement
 57 encounter, [the officer may not deactivate the] keep the body-worn camera activated
 58 until the officer's direct participation in the law enforcement encounter is complete[-
 59 except as provided in Subsection (9).] ;
- 60 [(9)] (i) ~~[An officer]~~ may deactivate [a] the body-worn camera:
- 61 [(a)] (i) to consult with a supervisor or another officer;
- 62 [(b)] (ii) during a significant period of inactivity;
- 63 [(c)] (iii) during a conversation with a sensitive victim of crime, a witness of a crime,

64 or an individual who wishes to report or discuss criminal activity if:

65 [(i)] (A) the individual who is the subject of the recording requests that the officer

66 deactivate the officer's body-worn camera; and

67 [(ii)] (B) the officer believes that the value of the information outweighs the value

68 of the potential recording and records the request by the individual to

69 deactivate the body-worn camera; or

70 [(d)] (iv) during a conversation with a victim of a sexual offense, as described in Title

71 76, Chapter 5, Part 4, Sexual Offenses, or domestic violence, as defined in Section

72 77-36-1, if:

73 [(i)] (A) the officer is conducting an evidence-based lethality assessment;

74 [(ii)] (B) the victim or the officer believes that deactivating the body-worn camera

75 recording[;]

76 [(A)] _will encourage complete and accurate information sharing by the victim[;] ,

77 or

78 [(B)] _is necessary to protect the safety or identity of the victim; and

79 [(iii)] (C) the officer's body-worn camera is reactivated as soon as reasonably

80 possible after the evidence-based lethality assessment is complete[-] ;

81 [(10)] (j) [~~If an~~] shall, if the officer deactivates or fails to activate [a] the body-worn

82 camera in violation of this section, [~~the officer shall~~] document in a written report the

83 reason for deactivating or for failing to activate [a] the body-worn camera[~~in a~~

84 ~~written report.~~] ; and

85 [(11)(a) For purposes of this Subsection (11):]

86 [(i) "Health care facility" means the same as that term is defined in Section

78B-3-403.]

87 [(ii) "Health care provider" means the same as that term is defined in Section

88 78B-3-403.]

89 [(iii) "Hospital" means the same as that term is defined in Section 78B-3-403.]

90 [(iv) "Human service program" means the same as that term is defined in Section

91 26B-2-101.]

92 [(b)] (k) [~~An officer~~] may not activate a body-worn camera in a hospital, health care

93 facility, human service program, or the clinic of a health care provider, except during

94 a law enforcement encounter, and with notice under Section 77-7a-105.

95 [(12)] (3) A violation of this section may not serve as the sole basis to dismiss a criminal

96 case or charge.

97 [(13)] (4) ~~[Nothing in this]~~ This section [precludes] does not preclude a law enforcement
98 agency from establishing internal agency policies for an officer's failure to comply with
99 the requirements of this section.

100 (5) Subsections (2)(c), (d), (e), (g), (h), and (j) do not apply to an officer who ~~hat~~ ; ~~hat~~

100a (a) hat [-] hat is assigned to
101 a narcotics unit or task force that is engaged primarily in narcotics investigations ~~hat~~ ; **or** ~~hat~~

101a (b) hat is engaged in an undercover operation ~~hat~~ .

102 Section 5. **Repealer.**

103 This bill repeals:

104 Section **77-7a-101, Title.**

105 Section 8. **Effective Date.**

106 This bill takes effect on May 7, 2025.