

Law Enforcement Investigation Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Calvin R. Musselman

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LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- exempts a law enforcement officer who wears a body-worn camera and is a part of a narcotics unit or task force or engaged in an undercover operation from certain requirements relating to the activation and use of the body-worn camera; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

REPEALS:

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

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

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

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

(1) As used in this section:

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

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

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

(d) "Human service program" means the same as that term is defined in Section 26B-2-101.

(2) Except as provided in Subsection (5), an officer using a body-worn camera:

~~[(1)]~~ (a) ~~[An officer using a body-worn camera]~~ shall verify that the equipment is properly functioning as is reasonably within the officer's ability[-] ;

~~[(2)]~~ (b) ~~[An officer]~~ shall report any malfunctioning equipment to the officer's supervisor if:

~~[(a)]~~ (i) the body-worn camera issued to the officer is not functioning properly upon initial inspection; or

~~[(b)]~~ (ii) ~~[an]~~ the officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty[-] ;

~~[(3)]~~ (c) ~~[An officer]~~ shall wear the body-worn camera so that it is clearly visible to the [person] individual being recorded[-] ;

~~[(4)]~~ (d) ~~[An officer]~~ shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible[-] ;

~~[(5)]~~ (e) ~~[An officer]~~ shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter, except as an interruption of a recording is allowed under this section[-] ;

~~[(6)]~~ (f) ~~[When]~~ shall, when going on duty and off duty, ~~[an officer who is issued a body-worn camera shall]~~ record the officer's name, identification number, and the current time and date, unless the information is already available due to the functionality of the body-worn camera[-] ;

~~[(7)]~~ (g) ~~[If a]~~ shall, if the body-worn camera was present during a law enforcement encounter, ~~[the officer shall]~~ document the presence of the body-worn camera in any report or other official record of a contact[-] ;

~~[(8)]~~ (h) ~~[When a]~~ except as provided in Subsection (2)(i), when the body-worn camera has been activated~~[-, the officer may not deactivate the]~~ during the officer's direct participation in a law enforcement encounter, keep the body-worn camera activated until the officer's direct participation in the law enforcement encounter is complete[-, except as provided in Subsection (9).] ;

~~[(9)]~~ (i) ~~[An officer]~~ may deactivate ~~[a]~~ the body-worn camera:

~~[(a)]~~ (i) to consult with a supervisor or another officer;

~~[(b)]~~ (ii) during a significant period of inactivity;

63           [(e)] (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  
87                   78B-3-403.]  
88                   [(ii) "Health care provider" means the same as that term is defined in Section  
89                   78B-3-403.]  
90                   [(iii) "Hospital" means the same as that term is defined in Section 78B-3-403.]  
91                   [(iv) "Human service program" means the same as that term is defined in Section  
92                   26B-2-101.]

93           [(b)] (k) [~~An officer~~] may not activate a body-worn camera in a hospital, health care  
94           facility, human service program, or the clinic of a health care provider, except during  
95           a law enforcement encounter, and with notice under Section 77-7a-105.

96           [(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:  
101 (a) is assigned to a narcotics unit or task force that is engaged primarily in narcotics  
102 investigations; or  
103 (b) is engaged in an undercover operation.

104 Section 2. **Repealer.**

105 This bill repeals:

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

107 Section 3. **Effective Date.**

108 This bill takes effect on May 7, 2025.