

Effective 5/7/2025

Superseded 1/1/2027

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:

- (a) shall verify that the equipment is properly functioning as is reasonably within the officer's ability;
- (b) shall report any malfunctioning equipment to the officer's supervisor if:
 - (i) the body-worn camera issued to the officer is not functioning properly upon initial inspection; or
 - (ii) the officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty;
- (c) shall wear the body-worn camera so that it is clearly visible to the individual being recorded;
- (d) shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible;
- (e) 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;
- (f) shall, when going on duty and off duty, 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;
- (g) shall, if the body-worn camera was present during a law enforcement encounter, document the presence of the body-worn camera in any report or other official record of a contact;
- (h) except as provided in Subsection (2)(i), when the body-worn camera has been activated 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;
- (i) may deactivate the body-worn camera:
 - (i) to consult with a supervisor or another officer;
 - (ii) during a significant period of inactivity;
 - (iii) during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:
 - (A) the individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera; and
 - (B) the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body-worn camera;or
- (iv) during a conversation with a victim of a domestic violence offense as defined in Section 77-36-1, or a sexual offense, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420 if:
 - (A) the officer is conducting an evidence-based lethality assessment;
 - (B) the victim or the officer believes that deactivating the body-worn camera recording will encourage complete and accurate information sharing by the victim, or is necessary to protect the safety or identity of the victim; and

- (C) the officer's body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete;
 - (j) shall, if the officer deactivates or fails to activate the body-worn camera in violation of this section, document in a written report the reason for deactivating or for failing to activate the body-worn camera; and
 - (k) may not activate a body-worn camera in a hospital, health care facility, human service program, or the clinic of a health care provider, except during a law enforcement encounter, and with notice under Section 77-7a-105.
- (3) A violation of this section may not serve as the sole basis to dismiss a criminal case or charge.
- (4) This section does not preclude a law enforcement agency from establishing internal agency policies for an officer's failure to comply with the requirements of this section.
- (5) Subsections (2)(c), (d), (e), (g), (h), and (j) do not apply to an officer who:
- (a) is assigned to a narcotics unit or task force that is engaged primarily in narcotics investigations; or
 - (b) is engaged in an undercover operation.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 249, 2025 General Session