

BODY CAMERA AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Criminal Code regarding the retention of recordings made by law enforcement officers wearing a body-worn camera.

Highlighted Provisions:

This bill:

▶ provides that recordings made by law enforcement officers while wearing a body-worn camera may not be retained by a private entity if the private entity has ownership in ~~H~~→ [or authority to alter] ←~~H~~ the recording; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7a-107, as last amended by Laws of Utah 2017, Chapter 294

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

Section 1. Section **77-7a-107** is amended to read:

77-7a-107. Retention and release of recordings.

H.B. 265



28 (1) (a) Any recording made by an officer while on duty or acting in the officer's official
 29 capacity as a law enforcement officer shall be retained in accordance with applicable federal,
 30 state, and local laws.

31 (b) Any recording made by an officer while on duty or acting in the officer's official
 32 capacity as a law enforcement officer may not be retained, electronically or otherwise, by a
 33 private entity if the private entity ~~H→~~ [;

34 ~~—— (i) ←H has any ownership or reasonable expectancy of ownership in the recording H→ [; or~~

35 ~~—— (ii) is authorized to edit, delete, or alter the recording] ←H .~~

36 (c) (i) Notwithstanding Subsection (1)(b), a political subdivision may continue to retain
 37 a recording in a manner prohibited under Subsection (1)(b) if the political subdivision is under
 38 contract with a private entity on May 7, 2018, and the contract includes terms prohibited by
 39 Subsection (1)(b).

40 (ii) A political subdivision may not renew a contract described in Subsection (1)(c)(i).

41 (2) (a) Any release of recordings made by an officer while on duty or acting in the
 42 officer's official capacity as a law enforcement officer shall be subject to Title 63G, Chapter 2,
 43 Government Records Access and Management Act.

44 (b) Notwithstanding any other provision in state or local law, a person who requests
 45 access to the recordings may immediately appeal to a district court, as provided in Section
 46 63G-2-404, any denial of access to a recording based solely on Subsection 63G-2-305(10)(b) or
 47 (c) due to a pending criminal action that has been filed in a court of competent jurisdiction.

Legislative Review Note
Office of Legislative Research and General Counsel