

**BODY CAMERA AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: Todd Weiler

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**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 ~~the~~ ~~recording~~ ~~and~~ ~~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

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*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**