

Representative Daniel McCay proposes the following substitute bill:

BODY CAMERA AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Todd Weiler

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 authority to withhold the recording or prevent access or disclosure of 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



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

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

28 **77-7a-107. Retention and release of recordings.**

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

32 (b) Any recording made by an officer while on duty or acting in the officer's official
33 capacity as a law enforcement officer may not be retained, electronically or otherwise, by a
34 private entity if the private entity has any authority to:

35 (i) withhold the recording; or

36 (ii) prevent the political subdivision from accessing or disclosing the recording.

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

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

42 (d) This Subsection (1) does not prohibit a political subdivision from using a private
43 entity's retention or redaction service if the private entity does not have authority to:

44 (i) withhold the recording; or

45 (ii) prevent the political subdivision from accessing or disclosing the recording.

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

49 (b) Notwithstanding any other provision in state or local law, a person who requests
50 access to the recordings may immediately appeal to a district court, as provided in Section
51 **63G-2-404**, any denial of access to a recording based solely on Subsection **63G-2-305**(10)(b) or
52 (c) due to a pending criminal action that has been filed in a court of competent jurisdiction.