

## HB0265S02 compared with HB0265S01

~~{deleted text}~~ shows text that was in HB0265S01 but was deleted in HB0265S02.

Inserted text shows text that was not in HB0265S01 but was inserted into HB0265S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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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}~~ authority to withhold the recording or prevent access or disclosure of the recording; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

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### 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.**

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

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

(i) withhold the recording; or

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

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

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

(d) This Subsection (1) does not prohibit a political subdivision from using a private entity's retention or redaction service if the private entity does not have ~~any ownership or reasonable expectancy of ownership in~~ authority to:

(i) withhold the recording; or

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

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

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