

**BODY CAMERA DISCLOSURE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to body-worn cameras.

**Highlighted Provisions:**

This bill:

► removes the provision allowing an officer to deactivate a body-worn camera when consulting with a supervisor or another officer.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-7a-104**, as last amended by Laws of Utah 2018, Chapters 285 and 316

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

Section 1. Section **77-7a-104** is amended to read:

**77-7a-104. Activation and use of body-worn cameras.**

(1) An officer using a body-worn camera shall verify that the equipment is properly functioning as is reasonably within the officer's ability.

(2) An officer shall report any malfunctioning equipment to the officer's supervisor if:



28 (a) the body-worn camera issued to the officer is not functioning properly upon initial  
29 inspection; or

30 (b) an officer determines that the officer's body-worn camera is not functioning  
31 properly at any time while the officer is on duty.

32 (3) An officer shall wear the body-worn camera so that it is clearly visible to the person  
33 being recorded.

34 (4) An officer shall activate the body-worn camera prior to any law enforcement  
35 encounter, or as soon as reasonably possible.

36 (5) An officer shall record in an uninterrupted manner until after the conclusion of a  
37 law enforcement encounter, except as an interruption of a recording is allowed under this  
38 section.

39 (6) When going on duty and off duty, an officer who is issued a body-worn camera  
40 shall record the officer's name, identification number, and the current time and date, unless the  
41 information is already available due to the functionality of the body-worn camera.

42 (7) If a body-worn camera was present during a law enforcement encounter, the officer  
43 shall document the presence of the body-worn camera in any report or other official record of a  
44 contact.

45 (8) When a body-worn camera has been activated, the officer may not deactivate the  
46 body-worn camera until the officer's direct participation in the law enforcement encounter is  
47 complete, except as provided in Subsection (9).

48 (9) An officer may deactivate a body-worn camera:

49 [~~(a) to consult with a supervisor or another officer;~~]

50 [~~(b)~~] (a) during a significant period of inactivity; and

51 [~~(c)~~] (b) during a conversation with a sensitive victim of crime, a witness of a crime, or  
52 an individual who wishes to report or discuss criminal activity if:

53 (i) the individual who is the subject of the recording requests that the officer deactivate  
54 the officer's body-worn camera; and

55 (ii) the officer believes that the value of the information outweighs the value of the  
56 potential recording and records the request by the individual to deactivate the body-worn  
57 camera.

58 (10) If an officer deactivates a body-worn camera, the officer shall document the

59 reason for deactivating a body-worn camera in a written report.

60 (11) (a) For purposes of this Subsection (11):

61 (i) "Health care facility" means the same as that term is defined in Section [78B-3-403](#).

62 (ii) "Health care provider" means the same as that term is defined in Section

63 [78B-3-403](#).

64 (iii) "Hospital" means the same as that term is defined in Section [78B-3-403](#).

65 (iv) "Human service program" means the same as that term is defined in Section

66 [62A-2-101](#).

67 (b) An officer may not activate a body-worn camera in a hospital, health care facility,

68 human service program, or the clinic of a health care provider, except during a law

69 enforcement encounter, and with notice under Section [77-7a-105](#).