

1 **LAW ENFORCEMENT RECORDING RELEASE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark A. Wheatley**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill mandates the release of law enforcement video recordings in certain situations.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the release of the recording of a law enforcement incident that resulted in
13 death or bodily injury, or when an officer fired a weapon, within 10 days after
14 receiving notice of the incident; and

15 ▶ requires the release of the recording of an incident that is the subject of a complaint
16 or legal proceeding that alleges an officer's use of excessive force, within 10 days
17 after receiving notice of the filing of the complaint or legal proceeding.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **77-7a-107**, as last amended by Laws of Utah 2018, Chapter 71

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.

53 (3) Notwithstanding Title 63G, Chapter 2, Government Records Access and
54 Management Act:

55 (a) after an incident between an officer and an individual that results in death or serious
56 bodily injury, or during which an officer fires a weapon, the records custodian shall release
57 each recording of the incident within 10 days after the day on which the records custodian
58 receives notice of the incident; and

59 (b) when a complaint or legal proceeding is filed that alleges an officer's use of
60 excessive force, the records custodian shall release each recording of the incident within 10
61 days after the day on which the records custodian receives notice of the filing of the complaint
62 or legal proceeding.