

LAW ENFORCEMENT RECORDING RELEASE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Wheatley

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▸ requires the release of the recording of a law enforcement incident that resulted in death or bodily injury, or when an officer fired a weapon, within 120 days after receiving notice of the incident;

▸ requires the release of the recording of an incident that is the subject of a complaint or a legal proceeding that alleges an officer's use of excessive force, within 120 days after receiving notice of the filing of the complaint or legal proceeding; and

▸ makes technical and conforming 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 2018, Chapter 71

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



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

29 **77-7a-107. Retention and release of recordings.**

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

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

36 (i) withhold the recording; or

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

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

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

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

45 (i) withhold the recording; or

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

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

50 (b) Notwithstanding any other provision in state or local law, a person who requests
51 access to the recordings may immediately appeal to a district court, as provided in Section
52 63G-2-404, any denial of access to a recording based solely on Subsection 63G-2-305(10)(b) or

53 (c) due to a pending criminal action that has been filed in a court of competent jurisdiction.

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

56 (a) after an incident between an officer and an individual that results in death or serious
57 bodily injury, or during which an officer fires a weapon, a records custodian in possession of
58 the recording shall release each recording of the incident within 120 days after the day on

59 which the records custodian receives notice of the incident; and
60 (b) when a complaint or legal proceeding is filed that alleges an officer's use of
61 excessive force, a records custodian in possession of the recording shall release each recording
62 of the incident within 120 days after the day on which the records custodian receives notice of
63 the filing of the complaint or legal proceeding.