

**SB0482/228574/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 482

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “and Waugh” and substitute “Waugh, Zirkin, Gladden, and Muse”; in line 2, strike “Cameras” and substitute “Digital Recording Device and Electronic Control Device”; strike beginning with “requiring” in line 3 down through “cameras” in line 19 and substitute “establishing that it is lawful under a certain provision of law for a law enforcement officer to intercept a certain oral communication with a certain device under certain circumstances; requiring the Maryland Police Training Commission to develop and publish a certain policy; establishing the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding the use of body cameras by a law enforcement officer; requiring the Commission to report its findings and recommendations to the Maryland Police Training Commission and the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of a certain provision of this Act; defining certain terms; and generally relating to the interception of oral communications”; strike in their entirety lines 20 through 24, inclusive; and after line 29, insert:

“BY adding to

Article - Public Safety

Section 3-510

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 2 through 4, strike in their entirety the lines beginning with line 5 on page 2 through line 29 on page 4, inclusive, and substitute:

**“ON OR BEFORE JANUARY 1, 2016, THE MARYLAND POLICE TRAINING COMMISSION SHALL DEVELOP AND PUBLISH ONLINE A POLICY FOR THE ISSUANCE AND USE OF A BODY-WORN CAMERA BY A LAW ENFORCEMENT OFFICER THAT ADDRESSES:**

- (1) THE TESTING OF BODY-WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING;**
- (2) THE PROCEDURE FOR THE LAW ENFORCEMENT OFFICER TO FOLLOW IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE LAW ENFORCEMENT OFFICER’S SHIFT;**
- (3) WHEN RECORDING IS MANDATORY;**
- (4) WHEN RECORDING IS PROHIBITED;**
- (5) WHEN RECORDING IS DISCRETIONARY;**
- (6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;**
- (7) WHEN A RECORDING MAY BE ENDED;**
- (8) PROVIDING NOTICE OF RECORDING;**
- (9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;**

- (10) THE SECURE STORAGE OF DATA FROM A BODY-WORN CAMERA;
- (11) REVIEW AND USE OF RECORDINGS;
- (12) RETENTION OF RECORDINGS;
- (13) DISSEMINATION AND RELEASE OF RECORDINGS;
- (14) CONSEQUENCES FOR VIOLATIONS OF THE AGENCY’S BODY-WORN CAMERA POLICY;
- (15) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;
- (16) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND
- (17) ANY ADDITIONAL ISSUES DETERMINED TO BE RELEVANT IN THE IMPLEMENTATION AND USE OF BODY-WORN CAMERAS BY LAW ENFORCEMENT OFFICERS.”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“Article – Courts and Judicial Proceedings

10-402.

(Over)

(c) (11) (i) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. "BODY-WORN DIGITAL RECORDING DEVICE" MEANS A DEVICE WORN ON THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE OF RECORDING VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.

3. "ELECTRONIC CONTROL DEVICE" HAS THE MEANING STATED IN § 4-109 OF THE CRIMINAL LAW ARTICLE.

(ii) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO INTERCEPT AN ORAL COMMUNICATION WITH A BODY-WORN DIGITAL RECORDING DEVICE OR AN ELECTRONIC CONTROL DEVICE CAPABLE OF RECORDING VIDEO AND ORAL COMMUNICATIONS IF:

1. THE LAW ENFORCEMENT OFFICER IS IN UNIFORM OR PROMINENTLY DISPLAYING THE OFFICER'S BADGE OR OTHER INSIGNIA;

2. THE LAW ENFORCEMENT OFFICER IS CONFORMING TO STANDARDS IN ACCORDANCE WITH § 3-510 OF THE PUBLIC SAFETY ARTICLE FOR THE USE OF BODY-WORN DIGITAL RECORDING DEVICES OR ELECTRONIC CONTROL DEVICES CAPABLE OF RECORDING VIDEO AND ORAL COMMUNICATIONS;

3. THE LAW ENFORCEMENT OFFICER IS A PARTY TO THE ORAL COMMUNICATION;

4. LAW ENFORCEMENT NOTIFIES, AS SOON AS IS PRACTICABLE, THE INDIVIDUAL THAT THE INDIVIDUAL IS BEING RECORDED, UNLESS IT IS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE TO DO SO; AND

5. THE ORAL INTERCEPTION IS BEING MADE AS PART OF A VIDEOTAPE OR DIGITAL RECORDING.”.

On page 5, strike in their entirety lines 1 through 10, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers.

(b) The Commission consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of State Police or the Secretary’s designee;

(4) the Attorney General or the Attorney General’s designee;

(5) the Public Defender or the Public Defender’s designee;

(6) one representative of the Governor’s Office of Crime Control and Prevention;

(Over)

- (7) one representative of the Maryland Fraternal Order of Police;
  - (8) one representative from each of the five major local law enforcement agencies in the State, as determined and appointed by the Governor;
  - (9) one representative of a law enforcement agency that currently utilizes body cameras to record law enforcement officer activities, as appointed by the chair of the Commission;
  - (10) one representative of the American Civil Liberties Union;
  - (11) one representative of the National Association for the Advancement of Colored People;
  - (12) one representative of the Maryland Sheriff's Association;
  - (13) three representatives of the general public, appointed by the Governor; and
  - (14) two experts in any field deemed relevant for the purpose of the Commission, as determined and appointed by the chair of the Commission.
- (c) The Governor shall appoint a chair of the Commission from among its members.
- (d) The Governor's Office of Crime Control and Prevention and the Department of State Police shall provide staff for the Commission.
- (e) A member of the Commission:
- (1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study and make recommendations regarding the best practices for the use of body cameras by a law enforcement officer.

(g) On or before October 1, 2015, the Commission shall report its findings and recommendations to the Maryland Police Training Commission and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through June 1, 2016, and, at the end of June 1, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.