

# HOUSE BILL 627

E4, D3, E2

5l0970  
CF SB 482

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By: **Delegates Rosenberg, Morales, Anderson, Carr, Carter, Korman, Moon, Smith,  
and Waldstreicher**

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Officers – Body–Worn Cameras**

3 FOR the purpose of requiring a law enforcement officer to activate both the audio and visual  
4 recording capabilities of a body–worn camera under certain circumstances; requiring  
5 a certain camera, once activated, to continue recording until a certain event;  
6 providing that a law enforcement officer may not use a certain camera to record an  
7 individual engaged in certain activities, with a certain exception; providing that a  
8 recording made under certain circumstances may not be used to identify certain  
9 persons; requiring a certain law enforcement officer to provide a certain notice to the  
10 subject of a certain recording; providing certain requirements for recording on  
11 private property under certain circumstances; providing for requests to turn the  
12 camera off under certain circumstances; requiring a certain law enforcement agency  
13 to establish certain policies; limiting the use or review of certain recordings for  
14 certain purposes; limiting access to a certain recording to certain individuals for  
15 certain uses; requiring a certain log to be maintained and updated under certain  
16 circumstances; requiring an unedited copy of a certain recording to be maintained;  
17 providing that the subject of a certain recording is a certain person in interest;  
18 providing that it is lawful under a certain provision of law for a law enforcement  
19 officer to intercept a certain oral communication; providing for the application of this  
20 Act; and generally relating to law enforcement officers and body–worn cameras.

21 BY adding to  
22 Article – Public Safety  
23 Section 3–510  
24 Annotated Code of Maryland  
25 (2011 Replacement Volume and 2014 Supplement)

26 BY adding to  
27 Article – Courts and Judicial Proceedings  
28 Section 10–402(c)(11)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2013 Replacement Volume and 2014 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
4 That the Laws of Maryland read as follows:

5 **Article – Public Safety**

6 **3–510.**

7 **(A) THIS SECTION APPLIES TO A LAW ENFORCEMENT OFFICER WHO IS**  
8 **PROVIDED WITH A BODY–WORN CAMERA TO WEAR WHILE ON DUTY.**

9 **(B) (1) A LAW ENFORCEMENT OFFICER SHALL ACTIVATE BOTH THE**  
10 **AUDIO AND VISUAL RECORDING CAPABILITIES OF A BODY–WORN CAMERA WHEN THE**  
11 **LAW ENFORCEMENT OFFICER IS RESPONDING TO A CALL FOR SERVICE OR AT THE**  
12 **INITIATION OF A LAW ENFORCEMENT OR INVESTIGATIVE ENCOUNTER BETWEEN THE**  
13 **LAW ENFORCEMENT OFFICER AND A MEMBER OF THE PUBLIC.**

14 **(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ONCE**  
15 **ACTIVATED, A BODY–WORN CAMERA SHALL CONTINUE RECORDING UNTIL:**

16 **(I) THE CONCLUSION OF THE ENCOUNTER;**

17 **(II) THE LAW ENFORCEMENT OFFICER HAS LEFT THE SCENE; OR**

18 **(III) A SUPERVISOR, ON CAMERA, HAS AUTHORIZED THE**  
19 **RECORDING TO CEASE.**

20 **(C) (1) A LAW ENFORCEMENT OFFICER MAY NOT USE A BODY–WORN**  
21 **CAMERA TO RECORD AN INDIVIDUAL ENGAGED IN A CONSTITUTIONALLY**  
22 **PROTECTED ACTIVITY, INCLUDING A DEMONSTRATION, A PROTEST, OR AN**  
23 **ATTENDANCE AT A RELIGIOUS FUNCTION, MEETING, OR SIMILAR ACTIVITY, UNLESS**  
24 **THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION THAT A CRIMINAL**  
25 **ACTIVITY IS OCCURRING.**

26 **(2) A VIDEO TAKEN OF A CONSTITUTIONALLY PROTECTED ACTIVITY**  
27 **UNDER THIS SUBSECTION MAY NOT BE USED TO IDENTIFY PERSONS PRESENT AT**  
28 **THE ACTIVITY WHO ARE NOT SUSPECTED OF BEING ENGAGED IN ILLEGAL ACTIVITY.**

29 **(D) (1) A LAW ENFORCEMENT OFFICER WEARING A BODY–WORN CAMERA**  
30 **SHALL NOTIFY A SUBJECT OF A RECORDING THAT THE SUBJECT IS BEING RECORDED**  
31 **AS CLOSE TO THE INCEPTION OF THE ENCOUNTER AS REASONABLY POSSIBLE.**

1           **(2) (I) WHEN A LAW ENFORCEMENT OFFICER WEARING A**  
2 **BODY-WORN CAMERA ENTERS ON PRIVATE PROPERTY WITHOUT A WARRANT OR IN**  
3 **A NONEMERGENCY SITUATION, THE LAW ENFORCEMENT OFFICER SHALL NOTIFY**  
4 **ALL PERSONS PRESENT THAT A CAMERA IS RECORDING AND PROVIDE ANY PERSON**  
5 **PRESENT THE OPTION TO REQUEST THE CAMERA BE TURNED OFF.**

6           **(II) IF A REQUEST DESCRIBED IN SUBPARAGRAPH (I) OF THIS**  
7 **PARAGRAPH IS MADE, THE LAW ENFORCEMENT OFFICER SHALL RECORD THE**  
8 **REQUEST ON VIDEO BEFORE THE BODY-WORN CAMERA IS TURNED OFF.**

9           **(III) IN THE EVENT OF CONTRADICTING REQUESTS FROM MORE**  
10 **THAN ONE PERSON DURING AN ENCOUNTER, THE LAW ENFORCEMENT OFFICER**  
11 **SHALL RECORD THE CONTRADICTING REQUESTS AND CONTINUE RECORDING,**  
12 **UNLESS AND UNTIL THE PERSONS MAKING THE REQUESTS CAN BE SEPARATED.**

13           **(3) (I) WHEN A LAW ENFORCEMENT OFFICER WITH A**  
14 **BODY-WORN CAMERA BEGINS AN ENCOUNTER WITH A PERSON WHO REPORTS A**  
15 **CRIME, PROVIDES INFORMATION REGARDING A CRIME OR AN ONGOING POLICE**  
16 **INVESTIGATION, CLAIMS TO BE THE VICTIM OF A CRIME, OR REQUESTS TO SPEAK**  
17 **WITH THE OFFICER, AND THE PERSON IS FREE TO END THE ENCOUNTER, THE**  
18 **OFFICER IMMEDIATELY SHALL PROVIDE NOTICE THAT THE BODY-WORN CAMERA IS**  
19 **RECORDING AND PROVIDE THE PERSON WITH THE OPTION TO HAVE THE CAMERA**  
20 **TURNED OFF.**

21           **(II) A LAW ENFORCEMENT OFFICER SHALL RECORD A REQUEST**  
22 **TO TURN OFF THE BODY-WORN CAMERA BEFORE THE CAMERA IS TURNED OFF.**

23           **(E) A LAW ENFORCEMENT AGENCY THAT ISSUES A BODY-WORN CAMERA TO**  
24 **A LAW ENFORCEMENT OFFICER SHALL ESTABLISH A POLICY RELATING TO THE USE**  
25 **OF BODY-WORN CAMERAS, INCLUDING:**

26           **(1) THE TESTING OF BODY-WORN CAMERAS TO ENSURE ADEQUATE**  
27 **FUNCTIONING; AND**

28           **(2) THE PROCEDURE FOR THE LAW ENFORCEMENT OFFICER IF THE**  
29 **CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE LAW**  
30 **ENFORCEMENT OFFICER'S SHIFT.**

31           **(F) USE OR REVIEW OF A RECORDING MADE UNDER THIS SECTION IS**  
32 **ALLOWED ONLY:**

33           **(1) FOR A LAW ENFORCEMENT AGENCY'S INTERNAL AND EXTERNAL**  
34 **INVESTIGATIONS OF MISCONDUCT;**

1           **(2) FOR A LAW ENFORCEMENT AGENCY'S INTERNAL AUDITING,**  
2 **SUPERVISION, OR TRAINING PURPOSES;**

3           **(3) IN THE EVENT THE LAW ENFORCEMENT AGENCY HAS**  
4 **REASONABLE SUSPICION THAT THE RECORDING CONTAINS EVIDENCE OF A CRIME;**

5           **(4) IN THE INVESTIGATION, PROSECUTION, OR DEFENSE OF**  
6 **CRIMINAL OR CIVIL ACTIONS;**

7           **(5) IN RESPONSE TO PUBLIC RECORDS REQUESTS; OR**

8           **(6) FOR EXTERNAL AUDITING.**

9           **(G) THE STORED VIDEO AND AUDIO DATA FROM A BODY-WORN CAMERA**  
10 **MAY NOT, IN WHOLE OR IN PART:**

11           **(1) BE USED TO CREATE A DATABASE OR POOL OF MUG SHOTS;**

12           **(2) BE USED IN PHOTO ARRAYS; OR**

13           **(3) BE OTHERWISE SEARCHED USING FACIAL OR VOICE RECOGNITION**  
14 **SOFTWARE.**

15           **(H) (1) IF A LAW ENFORCEMENT OFFICER REVIEWS A RECORDING**  
16 **BEFORE THE LAW ENFORCEMENT OFFICER WRITES A STATEMENT ABOUT THE**  
17 **ENCOUNTER THAT WAS RECORDED, THE LAW ENFORCEMENT OFFICER SHALL NOTE**  
18 **THE FACT THAT THE RECORDING WAS REVIEWED IN THE WRITTEN STATEMENT.**

19           **(2) (I) A LOG OF ALL ACTIVITY RELATING TO EACH RECORDING**  
20 **MADE UNDER THIS SECTION SHALL BE MAINTAINED.**

21                   **(II) EVERY TIME A RECORDING UNDER THIS SECTION IS**  
22 **VIEWED, COPIED, DELETED, OR EDITED, THE INDIVIDUAL ACCESSING THE**  
23 **RECORDING SHALL LOG THE IDENTITY OF THE PERSON ACCESSING THE VIDEO,**  
24 **WHAT WAS DONE, AND WHEN.**

25                   **(III) IN THE EVENT A RECORDING MADE UNDER THIS SECTION IS**  
26 **EDITED, AN UNEDITED COPY OF THE RECORDING SHALL BE MAINTAINED.**

27           **(I) THE SUBJECT OF A RECORDING UNDER THIS SECTION IS A PERSON IN**  
28 **INTEREST WITH RESPECT TO THE RECORDING UNDER § 4-351 OF THE GENERAL**  
29 **PROVISIONS ARTICLE.**

1                                    **Article – Courts and Judicial Proceedings**

2    10–402.

3            (c)    **(11) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW ENFORCEMENT**  
4 **OFFICER IN THE COURSE OF THE OFFICER’S REGULAR DUTY TO INTERCEPT AN ORAL**  
5 **COMMUNICATION IN ACCORDANCE WITH § 3–510 OF THE PUBLIC SAFETY ARTICLE.**

6            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
7 apply only prospectively and may not be applied or interpreted to have any effect on or  
8 application to any recording made before the effective date of this Act.

9            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2015.