

HOUSE BILL 669

E4

6lr2578

By: **Delegate Conaway**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement – Body–Worn Cameras – Release of Information to Public**

3 FOR the purpose of providing that, unless otherwise ordered by a court, a law enforcement
4 agency that establishes a certain program to use body–worn cameras may keep any
5 data recorded by the camera that is related to an ongoing investigation from being
6 released to the public until after the investigation is closed; providing that, unless
7 otherwise ordered by a court, a law enforcement agency, for a public safety purpose,
8 may keep certain investigative data from being released to the public after an
9 investigation is closed, under certain circumstances; and generally relating to law
10 enforcement.

11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 3–511
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2015 Supplement)

16 BY adding to
17 Article – Public Safety
18 Section 3–511.1
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2015 Supplement)

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

23 **Article – Public Safety**

24 3–511.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 On or before January 1, 2016, the Maryland Police Training Commission shall
2 develop and publish online a policy for the issuance and use of a body-worn camera by a
3 law enforcement officer that addresses:

- 4 (1) the testing of body-worn cameras to ensure adequate functioning;
- 5 (2) the procedure for the law enforcement officer to follow if the camera
6 fails to properly operate at the beginning of or during the law enforcement officer's shift;
- 7 (3) when recording is mandatory;
- 8 (4) when recording is prohibited;
- 9 (5) when recording is discretionary;
- 10 (6) when recording may require consent of a subject being recorded;
- 11 (7) when a recording may be ended;
- 12 (8) providing notice of recording;
- 13 (9) access to and confidentiality of recordings;
- 14 (10) the secure storage of data from a body-worn camera;
- 15 (11) review and use of recordings;
- 16 (12) retention of recordings;
- 17 (13) dissemination and release of recordings;
- 18 (14) consequences for violations of the agency's body-worn camera policy;
- 19 (15) notification requirements when another individual becomes a party to
20 the communication following the initial notification;
- 21 (16) specific protections for individuals when there is an expectation of
22 privacy in private or public places; and
- 23 (17) any additional issues determined to be relevant in the implementation
24 and use of body-worn cameras by law enforcement officers.

25 **3-511.1.**

26 (A) UNLESS OTHERWISE ORDERED BY A COURT, A LAW ENFORCEMENT
27 AGENCY THAT ESTABLISHES A PROGRAM TO USE BODY-WORN CAMERAS DESCRIBED
28 IN § 3-511 OF THIS SUBTITLE MAY KEEP ANY DATA RECORDED BY THE CAMERA THAT

1 IS RELATED TO AN ONGOING INVESTIGATION FROM BEING RELEASED TO THE
2 PUBLIC UNTIL AFTER THE INVESTIGATION IS CLOSED.

3 (B) UNLESS OTHERWISE ORDERED BY A COURT, A LAW ENFORCEMENT
4 AGENCY, FOR A PUBLIC SAFETY PURPOSE, MAY KEEP INVESTIGATIVE DATA
5 DESCRIBED IN SUBSECTION (A) OF THIS SECTION FROM BEING RELEASED TO THE
6 PUBLIC AFTER AN INVESTIGATION IS CLOSED IF THE DATA IDENTIFIES:

7 (1) A CRIME VICTIM;

8 (2) A MINOR;

9 (3) A WITNESS TO A CRIME;

10 (4) AN UNDERCOVER LAW ENFORCEMENT OFFICER; OR

11 (5) A MEMBER OF THE PUBLIC.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.