

HOUSE BILL 727

E4

11r0897
CF 11r1365

By: **Delegate Moon**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement – Body–Worn Cameras – Capabilities**

3 FOR the purpose of requiring a certain policy developed and published by the Maryland
4 Police Training and Standards Commission to require that a body–worn camera
5 purchased or otherwise procured for use by a law enforcement officer on or after a
6 certain date have certain capabilities; repealing a certain obsolete reference; and
7 generally relating to law enforcement officers and body–worn cameras.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 3–511
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2020 Supplement)

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

15 **Article – Public Safety**

16 3–511.

17 (A) [On or before January 1, 2016, the] **THE** Maryland Police Training and
18 Standards Commission shall develop and publish online a policy for the issuance and use
19 of a body–worn camera by a law enforcement officer that addresses:

20 (1) the testing of body–worn cameras to ensure adequate functioning;

21 (2) the procedure for the law enforcement officer to follow if the camera
22 fails to properly operate at the beginning of or during the law enforcement officer’s shift;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

19 **(B) THE POLICY DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION**
20 **SHALL REQUIRE THAT A BODY-WORN CAMERA PURCHASED OR OTHERWISE**
21 **PROCURED FOR USE BY A LAW ENFORCEMENT OFFICER ON OR AFTER JANUARY 1,**
22 **2022, AUTOMATICALLY RECORD AND SAVE 2 MINUTES OF AUDIO AND VIDEO**
23 **FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING THE RECORD BUTTON**
24 **ON THE DEVICE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2021.