

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 669 (Delegate Williams)
 Judiciary

Law Enforcement Officers - Body-Worn Cameras - Requirements

This bill (1) requires each law enforcement agency in the State, by July 1, 2027, to require the use of a body worn camera (BWC) by each law enforcement officer, as specified; (2) authorizes the use of a BWC recording in any administrative, judicial, legislative, or disciplinary proceeding; (3) requires a custodian to deny inspection of a BWC recording, with specified exceptions; (4) requires redaction of a BWC recording before inspection, as specified; and (5) establishes minimum requirements for BWC use, law enforcement agency BWC policies, and the model policy created by the Maryland Police Training and Standards Commission (MPTSC) regarding BWC issuance and use. The bill also requires (1) each law enforcement agency required to use BWCs to submit to MPTSC, by October 1, 2026, and annually thereafter, a report on the use of BWCs, as specified, and (2) MPTSC, by January 1, 2027, and annually thereafter, to report to the Governor and the General Assembly on the information collected from each law enforcement agency from those annual reports.

Fiscal Summary

State Effect: Known State expenditures (multiple fund types) increase by a total of at least \$2.1 million in FY 2026. Future year expenditures reflect annualization, inflation, ongoing minimum costs, and the need for additional State law enforcement agencies to implement BWC programs. The effect by fund type is shown below. Other potential costs are discussed below. Revenues are not anticipated to be materially affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,625,300	1,900,900	2,288,200	2,325,800	2,418,900
SF Expenditure	422,400	494,700	516,800	540,000	562,900
Higher Ed Exp.	33,800	8,800	8,800	8,800	8,800
Net Effect	(\$2,081,500)	(\$2,404,400)	(\$2,813,800)	(\$2,874,500)	(\$2,990,600)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local expenditures increase, potentially significantly for some local law enforcement agencies, as discussed below. Local revenues are not anticipated to be materially affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Use of Body-worn Cameras Required: By July 1, 2027, each law enforcement agency in the State must require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the policy on the use of BWCs developed by the law enforcement agency.

Evidence: A recording of a BWC of a law enforcement officer may be used in any administrative, judicial, legislative, or disciplinary proceeding.

If a court or other finder of fact finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered, or intermittently captured in violation of the statutory provisions governing BWCs, then the court or other finder of fact must consider or be instructed to consider that violation in weighing the evidence, unless the State provides a reasonable justification for the violation.

Inspection of Recordings: In general, a custodian must deny inspection of a recording made with the use of a BWC of a law enforcement officer. However, a custodian must allow inspection of a recording made with the use of a BWC of a law enforcement officer:

- if the law enforcement agency obtains written permission to disclose the recording from each individual captured on the recording (or the individual's legal representative);
- if the recording is flagged pursuant to the bill (discussed below), except if an individual captured on the recording who was not arrested as a result of the recorded encounter (1) has a reasonable expectation of privacy in what was recorded or (2) is a victim of or witness to a crime;
- by an individual captured on the recording or the individual's attorney; or
- by the recording law enforcement officer or the officer's attorney.

A recording requested for inspection must be redacted to remove identification of any individual appearing on the recording who is not the recording officer, the subject of the recorded encounter, or directly involved in the recorded encounter.

Requirements for Body-worn Cameras: Unless purchased and acquired by a law enforcement agency before July 1, 2015, a BWC must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation and capable of recording for a period of at least 10 hours. The bill repeals the current requirement for a BWC that possesses the requisite technological capability to automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement officer must turn on the officer's BWC when the officer is in uniform and responding to calls for service or engaged in a law enforcement-related activity that occurs while the officer is on duty unless (1) exigent circumstances prevent the camera from being turned on immediately; (2) the officer is inside a patrol car that is equipped with a functioning in-car camera; or (3) the officer is inside a correctional facility or courthouse that is equipped with a functioning camera system.

An officer may continue to record a victim, witness, or confidential informant if exigent circumstances exist or the officer has reasonable, articulable suspicion that the victim, witness, or informant has committed or is in the process of committing a crime. However, unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record.

A law enforcement officer *must* turn off the officer's BWC at the request of a victim or witness of a crime (and unless impracticable or impossible, such a request must be made on the recording), when the officer is interacting with a confidential informant used by the law enforcement agency, or when a field enforcement agent of the Comptroller of Maryland enters a Comptroller facility or conducts an interview during which return information will be discussed or visible.

A law enforcement officer *may* turn off the officer's BWC when the officer is engaged in a community caretaking function, unless the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. "Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an act unrelated to the investigation of a crime; the term includes specified activities.

If a person has a reasonable expectation of privacy, a law enforcement officer must notify the person that the officer is recording in a manner that is evident in the recording. If exigent

circumstances exist that prevent the officer from providing notice, notice must be provided as soon as practicable.

A recording officer's supervisor, a recording officer's assigned field training officer, and a detective or investigator may access and review BWC recordings for specified purposes. However, a law enforcement officer may not have access to, or review, a BWC recording of the officer or another officer before completing an incident report or other documentation if the officer (1) has been involved in, or is a witness to, an officer-involved shooting, use of deadly force incident, or use of force incident resulting in great bodily harm or (2) is ordered to write a report in response to, or during the investigation of, a misconduct complaint against the officer. The law enforcement officer may file an amendatory report (that includes documentation regarding access to the recording or recordings) to the incident report after viewing one or more BWC recordings.

Only personnel responsible for redacting or duplicating recordings may access a BWC recording to redact or duplicate the recording. Neither a recording officer nor the officer's supervisor may redact, duplicate, or otherwise alter the recording officer's BWC recordings.

Generally, a BWC recording must be retained by the law enforcement agency or by the camera vendor used by the agency for 90 days after the recording is made and may not be altered, erased, or destroyed before the expiration of the 90-day storage period. However, after the 90 day period, the recording must be destroyed unless the recording is flagged because (1) a formal or informal complaint has been filed regarding an encounter captured on the recording; (2) the recording officer discharged the officer's firearm or used force during the recorded encounter; (3) a person captured in the recording died or suffered great bodily harm; (4) the recorded encounter resulted in a detention or an arrest, excluding specified traffic stops; (5) the officer is the subject of an internal investigation or other misconduct investigation; (6) the supervisor of the recording officer, a prosecutor, a defendant, or the court determines that the encounter has evidentiary value in a criminal prosecution; or (7) the recording officer requests that the recording be saved, as specified. A flagged recording may not be altered or destroyed for two years after the recording is flagged or, if the recording is used in a criminal, civil, or administrative proceeding, until after a final disposition and order from the court.

A recording may be retained and viewed beyond the 90-day storage period for training purposes, as specified.

If a recording is altered, erased, or destroyed before the expiration of the 90-day storage period, the law enforcement agency must maintain, for one year, a written record of the action, as specified.

With specified exceptions, a BWC recording may not be used to discipline a law enforcement officer; however, that prohibition does not limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

A law enforcement officer may not hinder or prohibit a member of the public from recording a law enforcement officer in the performance of the officer's duties in a public place or when the officer has no reasonable expectation of privacy.

A written BWC policy created in accordance with the statutory provisions governing BWCs must indicate (1) the potential criminal penalties and administrative discipline for unlawful confiscation or destruction of the recording medium of a member of the public and (2) that an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

A law enforcement agency must ensure proper care and maintenance of a BWC, as specified.

The policy developed by MPTSC regarding the issuance and use of a BWC by a law enforcement officer must, at a minimum, include and be consistent with the requirements and guidelines established by the bill.

Current Law:

Body-worn Cameras

Chapter 60 of 2021 requires the Department of State Police (DSP), the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. By July 1, 2025, a law enforcement agency of a county not mentioned above must meet these same requirements.

A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency subject to BWC requirements must develop and maintain a written policy consistent with the policy published by MPTSC for the use of BWCs (also required under current law). The policy must specify which law enforcement officers employed by the law enforcement agency are required to use BWCs. A law enforcement

agency may not negate or alter any of the requirements or policies established in accordance with specified BWC-related provisions through collective bargaining.

Maryland's Public Information Act

Maryland's Public Information Act (PIA) establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Duties of Custodians: Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record. Chapter 658 of 2021, effective July 1, 2022, requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

Required Denials: A custodian must deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. PIA also requires denial of inspection for specified personal and confidential records and information, including, for example, personnel and student records, hospital records, specified medical and financial information, and shielded criminal and police records. Chapter 62 of 2021 specifies that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a protected personnel record under PIA and requires a custodian to allow access to such records by federal and State prosecutors. Chapters 548 and 549 of 2024 further specify that a record of positive community feedback that was not solicited by the police officer who is the subject of the feedback is not a protected personnel record under PIA.

Discretionary Denials: Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. PIA specifies the types of records and information that are eligible for discretionary denials, including documents that would not be available through discovery in a lawsuit.

Procedure for Denial: A custodian who denies inspection of a public record must, within 10 working days, provide a written statement to the applicant that gives (1) the reason for denial; (2) if denying a part of a record on a discretionary basis, a brief explanation of why the denial is necessary and why redacting information would not address the reasons for the denial; (3) the legal authority for the denial; (4) a brief description of the undisclosed record (without disclosing the protected information); and (5) notice of the available statutory remedies.

State Fiscal Effect: Based on a survey of several State agencies that could be affected by the bill, State expenditures (multiple fund types) for various State agencies increase by a total of at least \$2.1 million in fiscal 2026. Future year expenditures – which also reflect minimum costs – reflect (1) the need for additional State law enforcement agencies to purchase BWCs, as required by the bill, and (2) annualization, inflation, and ongoing costs. Other State agencies with law enforcement units may also incur costs that have not been quantified (either to purchase BWCs and implement BWC programs and/or modify existing BWC programs to meet the bill’s requirements). Accordingly, costs may be higher than the estimated costs quantified and discussed in more detail below.

The potential criminal penalties for unlawful confiscation or destruction of the recording medium of a member of the public are not expected to materially affect State finances.

Department of State Police

General fund expenditures for DSP increase by at least \$1.5 million in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring 1 administrative program manager, 20 administrative specialists, and 1 assistant Attorney General to manage its existing BWC program in accordance with the bill’s requirements. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses (including licenses for cloud storage access). The information and assumptions used in calculating the estimate are stated below:

- DSP has more than 700 BWCs deployed;
- each BWC is operational for a minimum of eight hours each day;
- before releasing BWC for a PIA request, the PIA unit with DSP spends four hours to review each hour of video footage; and
- each person in the PIA unit needs access to a license for cloud storage in order to make a determination to meet the bill’s requirements for flagging a video.

Positions	22.0
Salaries and Fringe Benefits	\$1,320,458
BWC Cloud Access Licenses	11,000
Other Operating Expenses	<u>162,113</u>
Minimum FY 2026 DSP Expenditures	\$1,493,571

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Maryland Department of Transportation

Transportation Trust Fund expenditures for the Maryland Transit Administration (MTA) Police increase by \$422,444 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring six administrative officers to manage MTA’s current BWC program in accordance with the bill’s requirements. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	6.0
Salaries and Fringe Benefits	\$378,231
Other Operating Expenses	<u>44,213</u>
Total FY 2026 MTA Expenditures	\$422,444

Future year expenditures reflect full salaries with annual increases and employee turnover, as well as annual increases in ongoing operating expenses.

Office of the Attorney General

General fund expenditures for OAG increase by \$131,702 in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring one assistant Attorney General to review and answer questions regarding BWC retention and review. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$124,333
Operating Expenses	<u>7,369</u>
Total FY 2026 OAG Expenditures	\$131,702

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Office of the Comptroller

General fund expenditures for the Comptroller’s Office increase by \$232,876 in fiscal 2028. This estimate reflects the cost of hiring one assistant State Comptroller at the start of fiscal 2028 to manage PIA requests relating to BWCs. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. In addition, the estimate includes the cost to purchase BWCs for 50 officers in the Field Enforcement Bureau.

Position	1.0
Salary and Fringe Benefits	\$125,208
BWCs	100,000
Other Operating Expenses	<u>7,668</u>
Total FY 2028 Comptroller Expenditures	\$232,876

Future year expenditures reflect a salary with annual increases and employee turnover, annual increases in ongoing operating expenses, including BWC maintenance costs.

Alcohol, Tobacco, and Cannabis Commission

General fund expenditures for the Alcohol, Tobacco, and Cannabis Commission (ATCC) increase by an estimated \$70,000 annually beginning in fiscal 2028. The fiscal 2028 estimate reflects the cost to purchase BWC equipment for 35 field enforcement agents at a cost of \$2,000 per BWC. Future year expenditures reflect ongoing costs for BWC maintenance and retention.

ATCC advises that it plans to use existing staff to manage the BWC program and to handle related requests. However, to the extent that existing staff is unable to maintain the BWC program in accordance with the bill’s requirements, costs may increase further in future years.

Institutions of Higher Education

Higher education expenditures increase by at least \$33,800 in fiscal 2026 for the University of Maryland, College Park Campus to purchase an additional server and to review BWC footage as required by the bill. Future year expenditures reflect ongoing costs.

Other institutions of higher education may also incur costs to modify their BWC programs in accordance with the bill.

Other State Agencies

Other State agencies with law enforcement units may also incur costs. However, the

Department of Natural Resources, the Maryland Transportation Authority, the Maryland Department of Health, the Department of Public Safety and Correctional Services, and Baltimore City Community College each advise that they can implement the bill with existing budgeted resources. In addition, the Judiciary does not anticipate a significant operational or fiscal impact due to the bill.

To the extent that existing resources prove insufficient for any affected State agencies, State expenditures (multiple fund types) increase further.

Significant Operational Effects

In addition to the fiscal effects described above, many State law enforcement agencies experience significant operational challenges due to the bill's requirements and limitations on the use of BWCs.

Local Fiscal Effect: Expenditures increase significantly for local governments to comply with the bill's requirements relating to the use of BWCs. A limited survey of local governments gleaned the following information:

- the Maryland Municipal League advises that the bill may increase local expenditures for storage and redaction of BWC recordings. To the extent that additional staff and/or BWC training, maintenance, and storage are needed, local expenditures increase;
- the Maryland Association of Counties reports that the bill is anticipated to save local governments time and money due to the provisions that generally require a custodian to deny inspection of many records and require the destruction of many BWC recordings after the 90-day storage period;
- the City of Annapolis states that it currently has approximately 386,000 BWC recordings in its evidence system. The city estimates that most of those recordings need to be destroyed under the bill; however, the city needs staff to review each recording before destruction. As a result, the city estimates costs totaling approximately \$1.9 million to review existing recordings and approximately \$1.0 million annually thereafter for the ongoing review of BWC recordings;
- Howard County and the Washington Suburban Sanitary Commission each advise that they can implement the bill with existing resources; and
- Prince George's County anticipates significant costs.

The potential criminal penalties for unlawful confiscation or destruction of the recording medium of a member of the public are not expected to materially affect local finances.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Howard and Prince George's counties; Maryland Association of Counties; Washington Suburban Sanitary Commission; City of Annapolis; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Office of the Attorney General; Comptroller's Office; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2025
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