

By: Johnson

H. B. No. 455

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to a body worn camera program for certain law enforcement  
3 agencies in this state.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 411, Government Code, is amended by  
6 adding Subchapter P to read as follows:

## SUBCHAPTER P. BODY WORN CAMERA PROGRAM

8                   Sec. 411.441. DEFINITION. In this subchapter, "body worn

9 camera" means a recording device that is:

15 Sec. 411.442. GRANTS FOR BODY WORN CAMERAS. A law  
16 enforcement agency in this state shall apply to the department for a  
17 grant to equip officers with body worn cameras if the agency employs  
18 officers who:

21 (2) respond to calls for assistance from the public.

22 Sec. 411.443. BODY WORN CAMERA POLICY. (a) A law  
23 enforcement agency that receives a grant from the department to  
24 provide body worn cameras to its officers or that otherwise

1    operates a body worn camera program shall adopt a policy for the use  
2    of body worn cameras.

3            (b) A policy described by Subsection (a) must include:

4                (1) guidelines for when an officer should activate a  
5    camera or discontinue a recording currently in progress,  
6    considering the need for privacy in certain situations; and  
7                (2) provisions relating to data retention, storage of  
8    video and audio, creation of backup copies of the video and audio,  
9    and maintenance of data security.

10            (c) A policy adopted under this section must be consistent  
11    with the Federal Rules of Evidence and Texas Rules of Evidence.

12            Sec. 411.444. TRAINING.    (a) Before a law enforcement  
13    agency may operate a body worn camera program, the agency must  
14    provide training to:

15                (1) officers who will wear the body worn cameras; and  
16                (2) any other personnel who will come into contact  
17    with video and audio data obtained from the use of body worn  
18    cameras.

19            (b) The department, in consultation with the Texas  
20    Commission on Law Enforcement, the Bill Blackwood Law Enforcement  
21    Management Institute of Texas, the W. W. Caruth, Jr., Police  
22    Institute at Dallas, and the Texas Police Chiefs Association, shall  
23    develop the curriculum for a training program under this section.

24            Sec. 411.445. RECORDING INTERACTIONS WITH THE PUBLIC.    (a)  
25    An officer equipped with a body worn camera shall activate the  
26    camera when responding to calls for assistance and when performing  
27    other law enforcement activities, including traffic stops,

1 pursuits, arrests, searches, or interrogations, unless activation  
2 of the camera would be unsafe, unrealistic, or impracticable.

3 (b) An officer equipped with a body worn camera may choose  
4 not to activate a camera or may choose to discontinue a recording  
5 currently in progress for any nonconfrontational encounter with a  
6 person, including an interview of a witness or victim.

7 Sec. 411.446. PROHIBITED ACTS. (a) An officer on duty may  
8 not use a body worn camera that is not issued and maintained by the  
9 law enforcement agency that employs the officer.

10 (b) A person may not tamper with, delete, or make an  
11 unauthorized copy of data obtained through the use of a body worn  
12 camera under this subchapter.

13 (c) A person may not release a recording created with a body  
14 worn camera under this subchapter unless the person first obtains  
15 the permission of the applicable law enforcement agency.

16 Sec. 411.447. RECORDINGS AS EVIDENCE. A recording created  
17 with a body worn camera and documenting an incident that involves  
18 the use of deadly force or that is otherwise the subject of an  
19 investigation may not be deleted or destroyed or released to the  
20 public before the completion of the investigation into the  
21 incident.

22 Sec. 411.448. RIGHTS OF OFFICERS. An officer is entitled to  
23 access any recording of an incident involving the officer before  
24 making a statement about the incident.

25 SECTION 2. (a) The Department of Public Safety, in  
26 consultation with the Texas Commission on Law Enforcement, the Bill  
27 Blackwood Law Enforcement Management Institute of Texas, the W. W.

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1 Caruth, Jr., Police Institute at Dallas, and the Texas Police  
2 Chiefs Association, shall develop the curriculum for the training  
3 program required under Section 411.444, Government Code, as added  
4 by this Act, not later than January 1, 2016.

5 (b) A law enforcement agency that is operating a body worn  
6 camera program on the effective date of this Act shall develop and  
7 implement the policy required under Section 411.443, Government  
8 Code, as added by this Act, and implement the training program  
9 required under Section 411.444, Government Code, as added by this  
10 Act, not later than September 1, 2016.

11 SECTION 3. This Act takes effect September 1, 2015.