

1-1 By: Sherman, Sr., et al. (Senate Sponsor - West) H.B. No. 929  
1-2 (In the Senate - Received from the House May 17, 2021;  
1-3 May 17, 2021, read first time and referred to Committee on  
1-4 Jurisprudence; May 21, 2021, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to law enforcement policies and procedures regarding body  
1-16 worn cameras.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. This Act shall be known as the "Botham Jean Act."

1-19 SECTION 2. Section 1701.655, Occupations Code, is amended  
1-20 by amending Subsection (b) and adding Subsection (c-1) to read as  
1-21 follows:

1-22 (b) A policy described by Subsection (a) must ensure that a  
1-23 body worn camera is activated only for a law enforcement purpose and  
1-24 must include:

1-25 (1) guidelines for when a peace officer should  
1-26 activate a camera or discontinue a recording currently in progress,  
1-27 considering the need for privacy in certain situations and at  
1-28 certain locations;

1-29 (2) provisions relating to data retention, including a  
1-30 provision requiring the retention of video for a minimum period of  
1-31 90 days;

1-32 (3) provisions relating to storage of video and audio,  
1-33 creation of backup copies of the video and audio, and maintenance of  
1-34 data security;

1-35 (4) provisions relating to the collection of a body  
1-36 worn camera, including the applicable video and audio recorded by  
1-37 the camera, as evidence;

1-38 (5) guidelines for public access, through open records  
1-39 requests, to recordings that are public information;

1-40 (6) ~~(5)~~ provisions entitling an officer to access  
1-41 any recording of an incident involving the officer before the  
1-42 officer is required to make a statement about the incident;

1-43 (7) ~~(6)~~ procedures for supervisory or internal  
1-44 review; and

1-45 (8) ~~(7)~~ the handling and documenting of equipment  
1-46 and malfunctions of equipment.

1-47 (c-1) A policy described by Subsection (a) must require a  
1-48 peace officer who is equipped with a body worn camera and actively  
1-49 participating in an investigation to keep the camera activated for  
1-50 the entirety of the officer's active participation in the  
1-51 investigation unless the camera has been deactivated in compliance  
1-52 with that policy.

1-53 SECTION 3. Section 1701.657(b), Occupations Code, is  
1-54 amended to read as follows:

1-55 (b) A peace officer equipped with a body worn camera may  
1-56 choose not to activate a camera or may choose to discontinue a  
1-57 recording currently in progress for any ~~[nonconfrontational]~~  
1-58 encounter with a person that is not related to an investigation [  
1-59 including an interview of a witness or victim].

1-60 SECTION 4. This Act takes effect September 1, 2021.

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