

By: Reynolds

H.B. No. 474

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain law enforcement officers to wear body worn cameras.

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

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

SUBCHAPTER P. BODY WORN CAMERAS

Sec. 411.441. DEFINITION. In this subchapter, "body worn camera" means a recording device that is:

(1) capable of recording, or transmitting to be recorded remotely, video or audio; and

(2) worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

Sec. 411.442. BODY WORN CAMERAS REQUIRED FOR CERTAIN OFFICERS. (a) A law enforcement agency in this state shall equip with body worn cameras all officers who:

(1) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or

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

(b) A law enforcement agency that is not able to equip all officers described by Subsection (a) with body worn cameras because it would cause financial hardship shall submit to the department an annual report that:

1 (1) states that the agency lacks the money to equip
2 with body worn cameras all officers who are required to wear a
3 camera; and

4 (2) includes both the number of cameras in use by the
5 agency and the number of cameras required under Subsection (a).

6 (c) A law enforcement agency is not required to equip all
7 officers described by Subsection (a) with body worn cameras until
8 the agency receives the necessary money. The agency is required to
9 comply with this subchapter with respect to any body worn cameras
10 the agency possesses.

11 Sec. 411.443. RECORDING INTERACTIONS WITH THE PUBLIC. Each
12 officer equipped with a body worn camera shall:

13 (1) activate the camera when responding to calls for
14 assistance and when performing other law enforcement activities,
15 including traffic stops, pursuits, arrests, searches, or
16 interrogations; and

17 (2) if practicable, before engaging with a person who
18 will be recorded, provide the person with verbal notice of the
19 recording.

20 Sec. 411.444. RECORDINGS AS EVIDENCE. (a) A recording
21 created with a body worn camera and documenting an incident that is
22 the subject of an investigation or complaint may not be deleted or
23 destroyed before the completion of the investigation into the
24 incident or the final disposition of the complaint regarding the
25 incident.

26 (b) A recording that is not required to be retained under
27 Subsection (a) shall be deleted or destroyed as soon as practicable

1 after the 180th day after the date the recording is made.

2 (c) A recording made by a body worn camera under this
3 subchapter is public information subject to Chapter 552.

4 SECTION 2. Not later than September 1, 2016, a law
5 enforcement agency shall:

6 (1) equip with body worn cameras all officers required
7 to wear the cameras under Section 411.442(a), Government Code, as
8 added by this Act; or

9 (2) submit the report required by Section 411.442(b),
10 Government Code, as added by this Act.

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