AN ACT

relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.

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

SECTION 1. Chapter 1701, Occupations Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. BODY WORN CAMERA PROGRAM

Sec. 1701.651. Definitions. In this subchapter:

(1) "Body worn camera" means a recording device that is:

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

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

(2) "Department" means the Department of Public Safety of the State of Texas.

(3) "Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Sec. 1701.652. Grants for Body Worn Cameras. (a) A police department of a municipality in this state, a sheriff of a county in this state who has received the approval of the commissioners court for the purpose, or the department may apply to the office of the
governor for a grant to defray the cost of implementing this
subchapter and to equip peace officers with body worn cameras if
that law enforcement agency employs officers who:
(1) are engaged in traffic or highway patrol or
otherwise regularly detain or stop motor vehicles; or
(2) are primary responders who respond directly to
calls for assistance from the public.
(b) The office of the governor shall set deadlines for
applications for grants under this chapter.
(c) Except as provided by Subsection (d), the office of the
governor shall create and implement a matching grant program under
which matching funds from federal, state, local, and other funding
sources may be required as a condition of the grant. A law
enforcement agency that receives a grant under this section is
required to match 25 percent of the grant money.
(d) The department is eligible for grants under this
subchapter but may not be made subject to any requirement for
matching funds.
(e) The governor's office may conditionally award a grant to
a law enforcement agency that has not adopted and implemented the
policy under Section 1701.655 or implemented the training required
under Section 1701.656, but money may not be disbursed to a law
enforcement agency until the agency fully complies with those
sections.

Sec. 1701.653. REPORTING. (a) As a condition of receiving
a grant under this subchapter, a law enforcement agency annually
shall report to the commission regarding the costs of implementing
a body worn camera program, including all known equipment costs and
costs for data storage.

(b) The commission shall compile the information submitted
under Subsection (a) into a report and submit the report to the
office of the governor and the legislature not later than December 1
of each year.

Sec. 1701.654. INTERAGENCY OR INTERLOCAL CONTRACTS. A law
enforcement agency in this state may enter into an interagency or
interlocal contract to receive body worn camera services and have
the identified operations performed through a program established
by the Department of Information Resources.

Sec. 1701.655. BODY WORN CAMERA POLICY. (a) A law
enforcement agency that receives a grant to provide body worn
cameras to its peace officers or that otherwise operates a body worn
camera program shall adopt a policy for the use of body worn
cameras.

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

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

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

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

(4) guidelines for public access, through open records
requests, to recordings that are public information;

(5) provisions entitling an officer to access any
recording of an incident involving the officer before the officer
is required to make a statement about the incident;

(6) procedures for supervisory or internal review; and

(7) the handling and documenting of equipment and
malfunctions of equipment.

(c) A policy described by Subsection (a) may not require a
peace officer to keep a body worn camera activated for the entire
period of the officer's shift.

(d) A policy adopted under this section must be consistent

Sec. 1701.656. TRAINING. (a) Before a law enforcement
agency may operate a body worn camera program, the agency must
provide training to:

(1) peace officers who will wear the body worn
cameras; and

(2) any other personnel who will come into contact
with video and audio data obtained from the use of body worn
cameras.

(b) The commission, in consultation with the department,
the Bill Blackwood Law Enforcement Management Institute of Texas,
the W. W. Caruth Jr. Police Institute at Dallas, and the Texas
Police Chiefs Association, shall develop or approve a curriculum
for a training program under this section.

Sec. 1701.657. RECORDING INTERACTIONS WITH THE PUBLIC.

(a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.

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

(c) A peace officer who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

(d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Sec. 1701.658. USE OF PERSONAL EQUIPMENT. (a) If a law enforcement agency receives a grant under this subchapter, a peace officer who is employed by the agency and who is on duty may only use a body worn camera that is issued and maintained by that agency.

(b) Notwithstanding any previous policies, an agency may not allow its peace officers to use privately owned body worn cameras after receiving a grant under this subchapter.

(c) A peace officer who is employed by a law enforcement
agency that has not received a grant or who has not otherwise been
provided with a body worn camera by the agency that employs the
officer may operate a body worn camera that is privately owned only
if permitted by the employing agency.

(d) An agency that authorizes the use of privately owned
body worn cameras under Subsection (c) must make provisions for the
security and compatibility of the recordings made by those cameras.

Sec. 1701.659. OFFENSE. (a) A peace officer or other
employee of a law enforcement agency commits an offense if the
officer or employee releases a recording created with a body worn
camera under this subchapter without permission of the applicable
law enforcement agency.

(b) An offense under this section is a Class A misdemeanor.

Sec. 1701.660. RECORDINGS AS EVIDENCE. (a) Except as
provided by Subsection (b), a recording created with a body worn
camera and documenting an incident that involves the use of deadly
force by a peace officer or that is otherwise related to an
administrative or criminal investigation of an officer may not be
deleted, destroyed, or released to the public until all criminal
matters have been finally adjudicated and all related
administrative investigations have concluded.

(b) A law enforcement agency may release to the public a
recording described by Subsection (a) if the law enforcement agency
determines that the release furthers a law enforcement purpose.

(c) This section does not affect the authority of a law
enforcement agency to withhold under Section 552.108, Government
Code, information related to a closed criminal investigation that
Sec. 1701.661. RELEASE OF INFORMATION Recorded By BODY WORN CAMERA. (a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

(1) the date and approximate time of the recording;

(2) the specific location where the recording occurred; and

(3) the name of one or more persons known to be a subject of the recording.

(b) A failure to provide all of the information required by Subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

(c) Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency under this subchapter is not subject to the requirements of Section 552.021, Government Code.

(d) Information that is or could be used as evidence in a criminal prosecution is subject to the requirements of Section 552.021, Government Code.

(e) A law enforcement agency may:

(1) seek to withhold information subject to Subsection (d) in accordance with procedures provided by Section 552.301, Government Code;

(2) assert any exceptions to disclosure in Chapter
552, Government Code, or other law; or

(3) release information requested in accordance with Subsection (a) after the agency redacts any information made confidential under Chapter 552, Government Code, or other law.

(f) A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

(g) The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this section. The fee amount must be sufficient to cover the cost of reviewing and making the recording. A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.

(h) A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:

(1) was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and

(2) does not relate to a law enforcement purpose.

Sec. 1701.662. BODY WORN CAMERA RECORDINGS; REQUEST FOR ATTORNEY GENERAL DECISION. (a) Notwithstanding Section 552.301(b), Government Code, a governmental body's request for a
A decision from the attorney general about whether a requested body worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(b) Notwithstanding Section 552.301(d), Government Code, a governmental body's response to a requestor regarding a requested body worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(c) Notwithstanding Section 552.301(e), Government Code, a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

(d) Notwithstanding Section 552.301(e-1), Government Code, a governmental body's submission to a requestor of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Sec. 1701.663. PRODUCTION OF BODY WORN CAMERA RECORDING IN RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS.

(a) Notwithstanding Section 552.221(d), Government Code, an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Section 1701.661(a) is considered to have promptly produced the information for purposes of Section 552.221, Government Code, if
the officer takes the actions required under Section 552.221 before the 21st business day after the date of receipt of the written request.

(b) For purposes of this section, "voluminous request" includes:

(1) a request for body worn camera recordings from more than five separate incidents;

(2) more than five separate requests for body worn camera recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or

(3) a request or multiple requests from the same person in a 24-hour period for body worn camera recordings that, taken together, constitute more than five total hours of video footage.

SECTION 2. (a) The Texas Commission on Law Enforcement, in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth Jr. Police Institute at Dallas, and the Texas Police Chiefs Association, shall develop or approve a curriculum for the training program required under Section 1701.656, Occupations Code, as added by this Act, not later than January 1, 2016.

(b) A law enforcement agency operating a body worn camera program on the effective date of this Act may submit any existing policy of the agency regarding the use of body worn cameras to the Texas Commission on Law Enforcement to determine whether the policy complies with Section 1701.655, Occupations Code, as added by this Act.
(c) Notwithstanding Sections 1701.655 and 1701.656, Occupations Code, as added by this Act, a law enforcement agency operating a body worn camera program on the effective date of this Act is not required to adopt or implement a policy that complies with Section 1701.655 or implement the training program required under Section 1701.656 before September 1, 2016.

SECTION 3. This Act takes effect September 1, 2015.
S.B. No. 158

President of the Senate           Speaker of the House

I hereby certify that S.B. No. 158 passed the Senate on April 23, 2015, by the following vote: Yeas 22, Nays 8; and that the Senate concurred in House amendments on May 28, 2015, by the following vote: Yeas 24, Nays 7.

Secretary of the Senate

I hereby certify that S.B. No. 158 passed the House, with amendments, on May 25, 2015, by the following vote: Yeas 135, Nays 4, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor