

By: Burrows

H.B. No. 3793

A BILL TO BE ENTITLED

AN ACT

relating to a law enforcement agency's release of a recording captured by a body worn camera.

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

SECTION 1. Section 1701.660, Occupations Code, is amended to read as follows:

Sec. 1701.660. PRESERVATION OF RECORDINGS AS EVIDENCE. A ~~[(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 or ~~[7]~~ 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 did not result in a conviction or a grant of deferred adjudication community supervision.]~~

SECTION 2. Section 1701.661, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

1 (b-1) Before releasing to a member of the public a recording
2 captured by a body worn camera, a law enforcement agency shall
3 obscure or alter relevant portions of the video or audio recording
4 so that only law enforcement officers are identifiable on the
5 recording. The person requesting the recording is responsible for
6 the costs of obscuring or altering the recording under this
7 subsection.

8 SECTION 3. The change in law made by this Act applies to a
9 recording released on or after the effective date of this Act,
10 regardless of whether the recording was created before, on, or
11 after that date.

12 SECTION 4. This Act takes effect September 1, 2017.