

BILL ANALYSIS

C.S.H.B. 4236
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls for law enforcement agencies to make certain recordings made by body worn cameras available for viewing by a person depicted in the recording or the person's authorized representative if the person is deceased. C.S.H.B. 4236 seeks to authorize a law enforcement agency to allow such viewing under limited circumstances while prohibiting the recording from being duplicated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4236 amends the Occupations Code to authorize a law enforcement agency to permit a person who is depicted in a recording created with a body worn camera and documenting an incident involving the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer, or the person's authorized representative if the person is deceased, to view the recording, provided that the law enforcement agency determines the viewing furthers a law enforcement purpose and that any authorized representative who is permitted to view the recording was not a witness to the incident.

C.S.H.B. 4236 prohibits a person viewing the recording from duplicating the recording or capturing video or audio from the recording. The bill establishes that a permitted viewing of a recording is not considered to be a release of public information for purposes of state public information law. The bill's change in law applies to a recording held by a law enforcement agency on or after the bill's effective date, regardless of whether the recording was created before, on, or after that date.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4236 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring a law enforcement agency that permits a recording to be viewed to allow a viewing of the full and unedited recording covering the duration of the incident and prohibiting the agency from redacting the recording.

The substitute includes a provision establishing that a permitted viewing of a recording is not considered to be a release of public information for purposes of state public information law.