

By: West

S.B. No. 782

A BILL TO BE ENTITLED

AN ACT

relating to a law enforcement policy regarding a peace officer  
accessing a recording from the officer's body worn camera.

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

SECTION 1. Section 1701.655(b), Occupations Code, is  
amended to read as follows:

(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, before  
the officer is required to make any statement about the incident, a  
[any] recording of an incident involving the officer and made with

1 the officer's camera [~~before the officer is required to make a~~  
2 ~~statement about the incident~~];

3 (6) procedures for supervisory or internal review; and

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

6 SECTION 2. As soon as practicable after the effective date  
7 of this Act, each law enforcement agency in this state required to  
8 adopt a policy under Section 1701.655, Occupations Code, as amended  
9 by this Act, shall update that policy to reflect the change in law  
10 made by this Act.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2019.