AN ACT
relating to law enforcement policies and procedures regarding body
worn cameras.

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

SECTION 1. This Act shall be known as the "Botham Jean Act."

SECTION 2. Section 1701.655, Occupations Code, is amended
by amending Subsection (b) and adding Subsection (c-1) 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) provisions relating to the collection of a body
worn camera, including the applicable video and audio recorded by
the camera, as evidence;
guidelines for public access, through open records requests, to recordings that are public information;

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;

procedures for supervisory or internal review; and

the handling and documenting of equipment and malfunctions of equipment.

(c-1) A policy described by Subsection (a) must require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

SECTION 3. Section 1701.657(b), Occupations Code, is amended to read as follows:

(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 that is not related to an investigation including an interview of a witness or victim.

SECTION 4. This Act takes effect September 1, 2021.
H.B. No. 929

President of the Senate  Speaker of the House

I certify that H.B. No. 929 was passed by the House on May 14, 2021, by the following vote: Yeas 108, Nays 34, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 929 was passed by the Senate on May 24, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: ____________________________

Date

Governor