

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;

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

3 (6) [~~(5)~~] provisions entitling an officer to access
4 any recording of an incident involving the officer before the
5 officer is required to make a statement about the incident;

6 (7) [~~(6)~~] procedures for supervisory or internal
7 review; and

8 (8) [~~(7)~~] the handling and documenting of equipment
9 and malfunctions of equipment.

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

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

18 (b) A peace officer equipped with a body worn camera may
19 choose not to activate a camera or may choose to discontinue a
20 recording currently in progress for any [~~nonconfrontational~~]
21 encounter with a person that is not related to an investigation [~~7~~
22 ~~including an interview of a witness or victim~~].

23 SECTION 4. This Act takes effect September 1, 2021.

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