

HB289 ENGROSSED



1 OO6QMM-2

2 By Representatives Givan, Moore (M), Morris, Rogers, Bracy,
3 Jones, Jackson, Clarke, Ensler, Boyd, Travis, Gray, Hollis,
4 McCampbell, Lawrence, Chestnut, Warren, Tillman, Plump,
5 Hassell, McClammy

6 RFD: Public Safety and Homeland Security

7 First Read: 11-Apr-23

8 2023 Regular Session



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A BILL

TO BE ENTITLED

AN ACT

9 Relating to law enforcement agency recordings; to
10 provide for circumstances and procedures to disclose or
11 release recordings made by body-worn cameras or dashboard
12 cameras used by law enforcement agencies; and to provide who
13 may request disclosure or release and the procedure for
14 requesting disclosure or release of recordings.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. As used in this act, the following terms
17 have the following meanings:

18 (1) BODY-WORN CAMERA. An operational video or digital
19 camera or other electronic device, including a microphone or
20 other mechanism to capture audio, affixed to the uniform or
21 person of law enforcement agency personnel and positioned in a
22 way that allows the camera or device to capture interactions
23 between law enforcement agency personnel and others.

24 (2) CUSTODIAL LAW ENFORCEMENT AGENCY. The law
25 enforcement agency that owns or leases or whose personnel
26 operates the equipment that created the recording at the time
27 the recording was made. If another law enforcement agency
28 takes over the investigation of the recorded incident, that



29 agency becomes the custodial law enforcement agency for the
30 purposes of this act.

31 (3) DASHBOARD CAMERA. A device or system installed or
32 used in a law enforcement agency vehicle that electronically
33 records images or audio of interactions between law
34 enforcement agency personnel and others. This term does not
35 include a body-worn camera.

36 (4) DISCLOSE or DISCLOSURE. To make a recording
37 available for viewing or listening at a time and location
38 chosen by the custodial law enforcement agency. This term does
39 not include the release of a recording.

40 (5) PERSONAL REPRESENTATIVE. A parent, court-appointed
41 guardian, spouse, or attorney of an individual whose image or
42 voice is the subject of the recording. If an individual whose
43 image or voice is the subject of the recording is deceased,
44 the term also means the personal representative of the estate
45 of the deceased individual; the deceased individual's
46 surviving spouse, parent, or adult child; the deceased
47 individual's attorney; or the parent or guardian of a
48 surviving minor child of the deceased.

49 (6) RECORDING. A visual, audio, or visual and audio
50 recording captured by a body-worn camera, a dashboard camera,
51 or any other video or audio recording device operated by or on
52 behalf of a law enforcement agency or law enforcement agency
53 personnel when carrying out law enforcement responsibilities.
54 This term does not include any video or audio recordings of
55 interviews regarding agency internal investigations or
56 interviews or interrogations of suspects or witnesses.



57 (7) RELEASE. To provide a copy of a recording.

58 Section 2. Recordings are not personnel records of any
59 individual employed as a law enforcement officer by a
60 municipality, sheriff's department, or any agency of the
61 state.

62 Section 3. (a) Recordings in the custody of a law
63 enforcement agency shall be disclosed to an individual or
64 personal representative only as provided by this act. This act
65 does not apply to the exchange of recordings between law
66 enforcement or prosecuting agencies. An individual requesting
67 disclosure of a recording must make a written request to the
68 head of the custodial law enforcement agency that states the
69 date and approximate time of the activity captured in the
70 recording or otherwise identifies the activity with reasonable
71 particularity sufficient to identify the recording to which
72 the request refers.

73 (b) Nothing in this act shall limit or restrict the
74 application of the Alabama Rules of Civil Procedure as they
75 may be applied to the custodial law enforcement agency,
76 including, but not limited to Rule 45, nor Chapter 21 of Title
77 12, Code of Alabama 1975.

78 (c) A custodial law enforcement agency may only
79 disclose a recording to the following:

80 (1) An individual whose image or voice is the subject
81 of the recording.

82 (2) A personal representative of an adult individual
83 whose image or voice is the subject of the recording if the
84 adult individual has consented to the disclosure.



85 (3) A personal representative of a minor whose image or
86 voice is the subject of the recording.

87 (4) A personal representative of an adult individual
88 under lawful guardianship whose image or voice is the subject
89 of the recording.

90 (5) A personal representative of an adult individual
91 who is incapacitated and unable to provide consent to
92 disclosure whose image or voice is the subject of the
93 recording.

94 (6) A personal representative of a deceased individual
95 whose image or voice is the subject of the recording.

96 (d) When disclosing a recording, the custodial law
97 enforcement agency shall disclose only those portions of the
98 recording that are relevant to the individual's request.

99 (e) An individual who receives disclosure pursuant to
100 this section shall not record or copy the recording.

101 Section 4. (a) Upon receipt of the written request for
102 disclosure, as promptly as possible, the custodial law
103 enforcement agency must do either of the following:

104 (1) Disclose the portion of the recording relevant to
105 the individual's request.

106 (2) Notify the requestor of the custodial law
107 enforcement agency's decision not to disclose the recording. A
108 custodial law enforcement agency may choose to not disclose
109 the recording if the disclosure would affect an ongoing active
110 law enforcement investigation or prosecution.

111 (b) A custodial law enforcement agency may charge a
112 reasonable fee for redaction and editing of a recording.



113 Section 5. Any recording subject to this act shall be
114 retained for at least the period of time required by the
115 applicable records retention and disposition schedule.

116 Section 6. This act shall become effective on the first
117 day of the third month following its passage and approval by
118 the Governor, or its otherwise becoming law.



HB289 Engrossed

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House of Representatives

122 Read for the first time and referred 11-Apr-23
123 to the House of Representatives
124 committee on Public Safety and
125 Homeland Security
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127 Read for the second time and placed 27-Apr-23
128 on the calendar:
129 2 amendments
130
131 Read for the third time and passed 24-May-23
132 as amended
133 Yeas 85
134 Nays 14
135 Abstains 2
136
137
138 John Treadwell
139 Clerk
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