

**House Public Safety and Homeland Security Reported
Substitute for HB289**



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) CUSTODIAL LAW ENFORCEMENT AGENCY. The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.

(3) DASHBOARD CAMERA. A device or system installed or



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29 used in a law enforcement agency vehicle that electronically
30 records images or audio of interactions between law
31 enforcement agency personnel and others. This term does not
32 include a body-worn camera.

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

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

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

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

55 Section 2. Recordings are not personnel records of any
56 individual employed as a law enforcement officer by a



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57 municipality, sheriff's department, or any agency of the
58 state.

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

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

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

77 (1) An individual whose image or voice is the subject
78 of the recording.

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

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

84 (4) A personal representative of an adult individual



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85 under lawful guardianship whose image or voice is the subject
86 of the recording.

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

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

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

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

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

101 (1) Disclose the portion of the recording relevant to
102 the individual's request.

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

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

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



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113 developed by the Alabama State Law Enforcement Agency.

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