

HB295 INTRODUCED



1 HB295
2 47M23RI-1
3 By Representative Sells
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Mar-24



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SYNOPSIS:

Existing law does not provide for the use of video cameras in day care centers.

This bill would require each day care center to install and maintain video cameras in each area of the center occupied by children, with some exceptions.

This bill would provide that recordings of day care centers remain confidential and not be viewed, except by certain individuals following an incident of alleged abuse, neglect, harassment, or other inappropriate behavior.

This bill would require each day care center to retain recordings for at least three months, or until the completion of an investigation.

This bill would prohibit video recordings to be used for regular monitoring of day care centers, including through live streaming.

This bill would also require the Department of Human Resources to adopt rules.

A BILL
TO BE ENTITLED
AN ACT



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29 Relating to day care centers; to require each day care
30 center to install and maintain video cameras in areas where
31 children are present, with exceptions; to provide for the use
32 of video cameras and video recordings; to authorize a day care
33 center to provide recordings to certain individuals following
34 an incident of alleged abuse, neglect, harassment, or other
35 inappropriate behavior; and to require the Department of Human
36 Resources to adopt rules.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. (a) For the purposes of this section, the
39 following terms have the following meanings:

40 (1) DAY CARE CENTER. The same meaning as Section
41 38-7-2, Code of Alabama 1975.

42 (2) DEPARTMENT. The Department of Human Resources.

43 (b) (1) Each day care center shall place, operate, and
44 maintain video cameras in each area of the center occupied by
45 children. Except as provided in subsection (c), the video
46 cameras shall record audio and video during operating hours
47 and at any time a child is present in the area.

48 (2) A day care center inside of or connected to a
49 school, office building, or other facility is only required to
50 record areas used by the center as classrooms.

51 (c) (1) A video camera placed in a day care center may
52 not monitor a restroom or any other area where a child's
53 clothes or diapers are changed, except for incidental
54 monitoring because of the inherent layout of the day care
55 center.

56 (2) A day care center may temporarily stop video and



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57 audio recording in the main instructional area of a classroom
58 while that area is used by children to change clothes or by
59 staff to change a child's clothes or diaper. The day care
60 center shall resume recording in the area once the area is no
61 longer used for those purposes.

62 (d) Each day care center shall retain all audio and
63 video recordings for at least three months after the date of
64 the recording, except that if an alleged incident of abuse,
65 neglect, harassment, or other inappropriate behavior has been
66 reported to the day care center, the recordings shall be
67 retained until the completion of all investigations,
68 administrative proceedings, and legal proceedings related to
69 the alleged incident of abuse, neglect, harassment, or other
70 inappropriate behavior, including the exhaustion of all
71 appeals.

72 (e) (1) An audio or video recording made pursuant to
73 this section is confidential and may not be released or viewed
74 except as provided by subdivision (2).

75 (2) If an incident of alleged abuse, neglect,
76 harassment, or other inappropriate behavior is reported to the
77 day care center, the video or audio recordings that document
78 the alleged abuse, neglect, harassment, or other inappropriate
79 behavior shall be provided upon request to:

80 a. An employee of the day care center who is involved
81 in the alleged incident of abuse, neglect, harassment, or
82 other inappropriate behavior;

83 b. The parent or legal guardian of a child who is
84 involved in the alleged incident of abuse, neglect,



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85 harassment, or other inappropriate behavior;

86 c. Appropriate law enforcement officers and state
87 agency officials, including employees of the department, who
88 are investigating the alleged incident of abuse, neglect,
89 harassment, or other inappropriate behavior;

90 d. The legal counsel representing any of the listed
91 individuals; and

92 e. An investigator retained by any of the listed
93 individuals.

94 (3) A contractor or employee of the day care center
95 performing job duties relating to the installation, operation,
96 or maintenance of video equipment or the retention of video or
97 audio recordings who incidentally views a video taken at a day
98 care center is not in violation of this section.

99 (f) Each day care center shall provide written notice
100 of the placement of all video cameras to each parent or legal
101 guardian of each child who attends the day care center.

102 (g) A video or audio recording made pursuant to this
103 section may not be used for: (i) regular or continued
104 monitoring of a day care center, including through a live
105 stream; or (ii) any other purpose that does not conform to
106 this section.

107 (h) The department shall adopt rules to implement and
108 administer this section.

109 Section 2. This act shall become effective on January
110 1, 2025.