

# HB41 INTRODUCED



1 HB41  
2 N75Y8TT-1  
3 By Representative Givan  
4 RFD: Public Safety and Homeland Security  
5 First Read: 06-Feb-24  
6 PFD: 12-Jan-24



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SYNOPSIS:

Under existing law, a recording made by a body-worn camera or dashboard camera used by law enforcement agencies may only be disclosed to an individual or personal representative of an individual whose image or voice is the subject of the recording.

Under existing law, a law enforcement agency may choose not to disclose a recording if the disclosure would affect an ongoing active law enforcement investigation or prosecution.

This bill would provide that during an ongoing active law enforcement investigation or prosecution, the disclosure of the recording may not be delayed unless the disclosure would substantially interfere with the investigation or prosecution.

This bill would require the agency to periodically reassess the withholding and notify the requestor of the status of the disclosure, including the specific basis for the withholding.

Under no circumstances may a disclosure be delayed more than six months from the date of the request.



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29 A BILL  
30 TO BE ENTITLED  
31 AN ACT

32  
33 Relating to law enforcement agency recordings; to amend  
34 Section 36-21-213, as created by Act 2023-507, 2023 Regular  
35 Session, Code of Alabama 1975; to provide that during an  
36 ongoing active law enforcement investigation or prosecution, a  
37 law enforcement agency may only delay the disclosure of a  
38 body-worn or dashboard recording under certain circumstances  
39 and for a limited period of time.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Section 36-21-213, as created by Act  
42 2023-507, 2023 Regular Session, Code of Alabama 1975, is  
43 amended to read as follows:

44 "§36-21-213

45 (a) Upon receipt of the written request for disclosure,  
46 ~~as promptly as possible~~, the custodial law enforcement agency  
47 shall do either of the following:

48 (1) Disclose the portion of the recording relevant to  
49 the individual's request.

50 (2) a. Notify the requestor of the custodial law  
51 enforcement agency's decision not to disclose the recording  
52 pursuant to the conditions in this paragraph. ~~A custodial law~~  
53 ~~enforcement agency may choose to not disclose the~~ During an  
54 active investigation or prosecution, a recording ~~if the~~  
55 disclosure may only be delayed if the disclosure would ~~affect~~  
56 an substantially interfere with the ongoing active law



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57 enforcement investigation or prosecution. If a custodial law  
58 enforcement agency delays disclosure pursuant to this  
59 subdivision, the agency shall provide in writing to the  
60 requestor the specific basis for the agency's determination  
61 that disclosure would substantially interfere with an ongoing  
62 active law enforcement investigation or prosecution and the  
63 estimated date for disclosure.

64 b. If at the end of 30 days, the agency determines that  
65 disclosure would continue to substantially interfere with the  
66 ongoing investigation or prosecution, the agency may continue  
67 to delay the disclosure of the recording for a period not to  
68 exceed a total of six months from the date of the request.  
69 However, the agency must reassess the necessity of the delay  
70 every 30 days and notify the requestor the basis for the  
71 continued delay.

72 c. Under no circumstances may a disclosure be delayed  
73 more than six months from the date of the request.

74 d. A recording withheld by the agency shall be  
75 disclosed promptly when the specific basis for withholding is  
76 resolved.

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

79 Section 2. This act shall become effective on October  
80 1, 2024.