

SB14 INTRODUCED



1 SB14
2 AT4KSQS-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 11-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 a personal representative of an individual whose image or voice is the subject of the recording.

This bill would allow a recording made by a body-worn camera or dashboard camera used by law enforcement to be considered a public record, making the recording subject to public inspection.

This bill would require the custodial law enforcement agency to release the recording within 30 days of the request.

This bill would also provide for an appeals process if a law enforcement agency fails to provide a requested recording.

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement agency recordings; to amend Sections 36-21-210, 36-21-212, and 36-21-213, as created by



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29 Act 2023-507, 2023 Regular Session, Code of Alabama 1975; to
30 provide for circumstances to release recordings made by
31 body-worn cameras or dashboard cameras used by law enforcement
32 agencies; and to provide an appeal process if a law
33 enforcement agency fails to release a recording.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. This bill shall be known and may be cited as
36 the Jawan Dallas and Steve Perkins Act.

37 Section 2. Sections 36-21-210, 36-21-212, and
38 36-21-213, as created by Act 2023-507, 2023 Regular Session,
39 Code of Alabama 1975, are amended to read as follows:

40 "§36-21-210

41 As used in this act, the following terms have the
42 following meanings:

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

49 (2) CUSTODIAL LAW ENFORCEMENT AGENCY. The law
50 enforcement agency that owns or leases or whose personnel
51 operates the equipment that created the recording at the time
52 the recording was made. If another law enforcement agency
53 takes over the investigation of the recorded incident, that
54 agency becomes the custodial law enforcement agency for the
55 purposes of this article.

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



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57 used in a law enforcement agency vehicle that electronically
58 records images or audio of interactions between law
59 enforcement agency personnel and others. This term does not
60 include a body-worn camera.

61 ~~(4) DISCLOSE or DISCLOSURE. To make a recording~~
62 ~~available for viewing or listening at a time and location~~
63 ~~chosen by the custodial law enforcement agency. This term does~~
64 ~~not include the release of a recording.~~

65 ~~(5) PERSONAL REPRESENTATIVE. A parent, court-appointed~~
66 ~~guardian, spouse, or attorney of an individual whose image or~~
67 ~~voice is the subject of the recording. If an individual whose~~
68 ~~image or voice is the subject of the recording is deceased,~~
69 ~~the term also means the personal representative of the estate~~
70 ~~of the deceased individual; the deceased individual's~~
71 ~~surviving spouse, parent, or adult child; the deceased~~
72 ~~individual's attorney; or the parent or guardian of a~~
73 ~~surviving minor child of the deceased.~~

74 (4) ~~(6)~~ RECORDING. A visual, audio, or visual and audio
75 recording captured by a body-worn camera, a dashboard camera,
76 or any other video or audio recording device operated by or on
77 behalf of a law enforcement agency or law enforcement agency
78 personnel when carrying out law enforcement responsibilities.
79 This term does not include any video or audio recordings of
80 interviews regarding agency internal investigations or
81 interviews or interrogations of suspects or witnesses.

82 ~~(7) RELEASE. To provide a copy of a recording."~~

83 "§36-21-212

84 (a) Recordings in the custody of a law enforcement



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85 agency shall be ~~disclosed to an individual or personal~~
86 ~~representative only as provided by this article. This article~~
87 ~~does not apply to the exchange of recordings between law~~
88 ~~enforcement or prosecuting agencies~~ deemed a public record
89 under Section 36-12-40, and subject to public inspection as
90 otherwise provided by law. An individual requesting ~~disclosure~~
91 release of a recording must make a written request to the head
92 of the custodial law enforcement agency that states the date
93 and approximate time of the activity captured in the recording
94 or otherwise identifies the activity with reasonable
95 particularity sufficient to identify the recording to which
96 the request refers.

97 (b) Nothing in this article shall limit or restrict the
98 application of the Alabama Rules of Civil Procedure as they
99 may be applied to the custodial law enforcement agency,
100 including, but not limited to Rule 45, nor Chapter 21 of Title
101 12.

102 ~~(c) A custodial law enforcement agency may only~~
103 ~~disclose a recording to the following:~~

104 ~~(1) An individual whose image or voice is the subject~~
105 ~~of the recording.~~

106 ~~(2) A personal representative of an adult individual~~
107 ~~whose image or voice is the subject of the recording if the~~
108 ~~adult individual has consented to the disclosure.~~

109 ~~(3) A personal representative of a minor whose image or~~
110 ~~voice is the subject of the recording.~~

111 ~~(4) A personal representative of an adult individual~~
112 ~~under lawful guardianship whose image or voice is the subject~~



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113 ~~of the recording.~~

114 ~~(5) A personal representative of an adult individual~~
115 ~~who is incapacitated and unable to provide consent to~~
116 ~~disclosure whose image or voice is the subject of the~~
117 ~~recording.~~

118 ~~(6) A personal representative of a deceased individual~~
119 ~~whose image or voice is the subject of the recording.~~

120 (c) ~~(d)~~ When ~~disclosing~~ releasing a recording, the
121 custodial law enforcement agency shall ~~disclose~~ release only
122 those portions of the recording that are relevant to the
123 individual's request.

124 ~~(e) An individual who receives disclosure pursuant to~~
125 ~~this section shall not record or copy the recording~~

126 (d) (1) An individual who requests the release of a
127 recording which is denied by a law enforcement agency may file
128 a petition in the circuit court of the county where the
129 individual resides or where the law enforcement agency is
130 located for judicial review.

131 (2) A circuit court may uphold a denial to release a
132 recording only if the release would substantially interfere
133 with an ongoing investigation, including, but not limited to,
134 endangering the safety of a witness or a confidential source."

135 "§36-21-213

136 ~~(a) Upon~~ Within 30 days of receipt of the written
137 request for ~~disclosure~~ release and payment of a reasonable
138 fee, not to exceed the cost of producing the recording, ~~as~~
139 ~~promptly as possible,~~ the custodial law enforcement agency
140 shall ~~do either of the following:~~



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141 ~~(1) Disclose~~ release the portion of the recording
142 relevant to the individual's request.

143 ~~(2) Notify the requestor of the custodial law~~
144 ~~enforcement agency's decision not to disclose the recording. A~~
145 ~~custodial law enforcement agency may choose to not disclose~~
146 ~~the recording if the disclosure would affect an ongoing active~~
147 ~~law enforcement investigation or prosecution.~~

148 ~~(b) A custodial law enforcement agency may charge a~~
149 ~~reasonable fee for redaction and editing of a recording."~~

150 Section 3. This act shall become effective on October
151 1, 2024.