

HB10 INTRODUCED



1 HB10
2 QVRU155-1
3 By Representative Givan
4 RFD: Public Safety and Homeland Security
5 First Read: 04-Feb-25
6 PFD: 08-Jul-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, Code of Alabama 1975; to provide that
35 during an ongoing active law enforcement investigation or
36 prosecution, a law enforcement agency may only delay the
37 disclosure of a body-worn or dashboard recording under certain
38 circumstances and for a limited period of time.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. Section 36-21-213, Code of Alabama 1975, is
41 amended to read as follows:

42 "§36-21-213

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

46 (1) Disclose the portion of the recording relevant to
47 the individual's request.

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



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

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

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

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

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

77 Section 2. This act shall become effective on October
78 1, 2025.