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



4 SYNOPSIS:

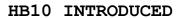
Under existing law, a recording made by a body-worn camera or dashboard camera used by law enforcement agencies may only be disclosed to an individual or personal representative of an individual whose image or voice is the subject of the recording.

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.



A BILL

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30	TO BE ENTITLED
31	AN ACT
32	
33	Relating to law enforcement agency recordings; to amend
3 4	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,
4 4	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) $\underline{a.}$ 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	<pre>an substantially interfere with the ongoing active law</pre>
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 disclosed promptly when the specific basis for withholding is 73 74 resolved.
- (b) A custodial law enforcement agency may charge a 75 reasonable fee for redaction and editing of a recording. 76
- 77 Section 2. This act shall become effective on October 1, 2025. 78