

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30296-NDa-36

Short Title: Body-Worn Camera Recordings. (Public)

Sponsors: Representatives Brockman, Quick, Alexander, and Hawkins (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE MOST LAW ENFORCEMENT OFFICERS TO WEAR AND  
3 ACTIVATE BODY-WORN CAMERAS DURING CERTAIN INTERACTIONS WITH  
4 THE PUBLIC, TO ESTABLISH A USE POLICY FOR BODY-WORN CAMERAS AND  
5 DASHBOARD CAMERAS, TO ESTABLISH AN ACCESS POLICY FOR RECORDINGS  
6 CAPTURED BY BODY-WORN CAMERAS AND DASHBOARD CAMERAS, AND TO  
7 APPROPRIATE FUNDS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 132-1.4A is repealed.

10 SECTION 2. Chapter 15A of the General Statutes is amended by adding a new  
11 Article to read:

12 "Article 7.

13 "Body-Worn Cameras and Dashboard Cameras.

14 "**§ 15A-201. Definitions.**

15 The following definitions apply in this Article:

- 16 (1) Body-worn camera. – An operational video camera provided by a law  
17 enforcement agency and affixed to a law enforcement officer's uniform and  
18 positioned in a way that allows the video camera to capture interactions the  
19 law enforcement officer has with the public. The video camera shall include a  
20 microphone or other mechanism for allowing audio capture. This term does  
21 not include cameras privately owned and provided by a law enforcement  
22 officer.
- 23 (2) Dashboard camera. – A device or system installed or used in a law  
24 enforcement vehicle that electronically records images depicting activities  
25 that take place during a traffic stop, vehicle pursuit, vehicle search, and other  
26 interaction with the public that is within the range of the camera. This term  
27 does not include body-worn cameras.
- 28 (3) Law enforcement agency. – Any duly accredited State or local government  
29 agency possessing authority to enforce the criminal laws of the State. For  
30 purposes of this Article, this term does not include local law enforcement  
31 agencies located in a county with a population of less than 200,000, as  
32 determined by the most recent decennial federal census.
- 33 (4) Law enforcement officer. – Any employee of a law enforcement agency who  
34 (i) is actively serving in a position with primary duties and responsibilities for  
35 the prevention and detection of crime or the general enforcement of the  
36 criminal laws of the State, (ii) possesses the power of arrest by virtue of an



1 oath administered under the authority of the State, and (iii) is primarily  
2 assigned to patrol duties. For purposes of this Article, this term also includes  
3 on-duty State correctional officers.

4 (5) Law enforcement vehicle. – A motor vehicle owned, operated, or otherwise  
5 controlled by a law enforcement agency, the State, or a political subdivision  
6 of the State and used primarily for traffic stops. This term does not include  
7 law enforcement vehicles used primarily for surveillance or undercover  
8 operations.

9 (6) Recordable interaction. – An interaction between a law enforcement officer,  
10 in his or her official capacity, and a member or members of the public,  
11 including an inmate or inmates of a State correctional facility. This term  
12 includes traffic stops, arrests, searches, interrogations not covered under  
13 G.S. 15A-211, interviews with victims and witnesses, and pursuits.

14 (7) Recording. – A visual and audio recording captured by a body-worn camera  
15 or dashboard camera.

16 **"§ 15A-202. Body-worn cameras required for law enforcement officers.**

17 (a) Requirement. – Except as otherwise provided in subsection (b) of this section, a law  
18 enforcement officer shall wear and activate a body-worn camera during any recordable  
19 interaction. Except when doing so would be unsafe, impracticable, or impossible, a law  
20 enforcement officer shall inform the person or people the law enforcement officer is interacting  
21 with that the interaction is being recorded. A law enforcement officer shall not deactivate a  
22 body-worn camera until (i) the conclusion of the recordable interaction, (ii) the law enforcement  
23 officer has left the scene, (iii) a supervisor, while being recorded, authorizes the law enforcement  
24 officer to deactivate the body-worn camera, or (iv) an exception listed in subsection (b) of this  
25 section authorizes deactivation. Prior to deactivating a body-worn camera, a law enforcement  
26 officer shall announce that the officer is deactivating the body-worn camera and the reason why  
27 the officer is deactivating the body-worn camera. A law enforcement officer shall note in any  
28 incident report prepared after a recordable interaction that a recording was made.

29 (b) Exceptions. – A law enforcement officer shall not be required to activate a body-worn  
30 camera in any of the following places or situations:

31 (1) Interactions with confidential informants and undercover officers.

32 (2) During routine, non-law enforcement related activities, including when a law  
33 enforcement officer is engaged in a personal conversation, when a law  
34 enforcement officer is using a restroom or bathroom, or when a law  
35 enforcement officer is dressing or undressing in a locker room or dressing  
36 room.

37 (3) When a law enforcement officer is providing training or making a presentation  
38 to the public.

39 (4) When entering a private residence under nonexigent circumstances, unless  
40 written or on-camera consent is given by the owner or the occupier of the  
41 residence.

42 (5) When a law enforcement officer is conducting a strip search, unless written or  
43 on-camera consent is given by the person being strip searched.

44 (6) Interactions with a victim or witness, unless written or on-camera consent is  
45 given by the victim or witness.

46 (c) Waiver. – A law enforcement officer shall read, agree to, and sign a written waiver  
47 that consists of consent by the law enforcement officer to be recorded by a body-worn camera  
48 and an acknowledgment of the requirements of this section and the related policies established  
49 under subsection (i) of this section by the law enforcement agency employing the law  
50 enforcement officer.

1       (d) Evidence. – If otherwise admissible, a recording captured by a body-worn camera  
2 pursuant to this section may be used as evidence in any relevant administrative, civil, or criminal  
3 proceeding.

4       (e) Public Access. – Notwithstanding G.S. 126-22, 132-1.4, 153A-98, 160A-168, or any  
5 other provision of law to the contrary, a law enforcement agency may disclose or provide a copy  
6 of any recording captured by a body-worn camera under this section to any person who submits  
7 a written request to the law enforcement agency. Prior to disclosing or providing a copy of a  
8 recording captured by a body-worn camera under this section, a law enforcement agency may  
9 redact any portion of the recording that (i) a law enforcement officer is not required to record  
10 under subsection (b) of this section or (ii) is otherwise prohibited by law from being disclosed.  
11 A law enforcement agency shall provide a written statement to the person who requested access  
12 to the recording explaining why portions of a recording are redacted or why the law enforcement  
13 agency is declining to disclose or provide a copy of the recording. Nothing in this subsection  
14 shall be construed to alter or supersede the requirement in subsection (f) of this section that a law  
15 enforcement agency retain an original, unredacted recording.

16       Any person who is denied access to a recording under this subsection, or who is denied access  
17 to an unredacted recording under this subsection, may apply to the appropriate division of the  
18 General Court of Justice for an order compelling disclosure or copying, and the court shall have  
19 jurisdiction to issue the order. An action brought pursuant to this subsection shall be set down  
20 for immediate hearing, and subsequent proceedings in the action shall be accorded priority by  
21 the trial and appellate courts. Unless otherwise prohibited by law, and upon a showing of good  
22 cause by the person seeking access, the court may issue an order compelling disclosure or  
23 copying of portions or all of a recording captured by a body-worn camera under this section.

24       If a city or county establishes a citizen review board for a police department or sheriff's office,  
25 respectively, a recording captured by a body-worn camera under this section shall be disclosed  
26 in its entirety, or provided by complete copy, to the appropriate citizen review board upon the  
27 board's request. Board members shall maintain as confidential all information to which the  
28 members gain access as a member of the board. Each member of the board shall execute and  
29 adhere to a Confidentiality Agreement that is satisfactory to the city or county that created the  
30 board.

31       (f) Retention. – A law enforcement agency shall retain an original, unredacted recording  
32 captured by a body-worn camera pursuant to this section for the later of (i) 60 days from the date  
33 of the recording, (ii) the period specified in a court order, or (iii) 10 days from the date an  
34 administrative, civil, or criminal proceeding in which the recording was used as evidence  
35 concludes.

36       (g) Remedies for Noncompliance. – Failure to comply with subsection (a) or (f) of this  
37 section shall be admissible as evidence to support claims made by a defendant in a criminal action  
38 or a party opposing the law enforcement officer or law enforcement agency in a civil action.

39       (h) Training. – A law enforcement agency shall provide training to a law enforcement  
40 officer on how to operate a body-worn camera prior to the law enforcement officer wearing and  
41 activating a body-worn camera.

42       (i) Policy. – The Department of Justice shall develop a model policy or policies for law  
43 enforcement agencies to use in implementing the provisions of this section. A policy developed  
44 pursuant to this subsection shall include disciplinary action for failing to activate a body-worn  
45 camera as required by subsection (a) of this section, up to and including immediate dismissal  
46 from employment. A policy developed pursuant to this subsection may include standards more  
47 stringent than the standards required under this section.

48 **"§ 15A-203. Use of dashboard cameras in law enforcement vehicles.**

49       (a) Requirement. – If a law enforcement vehicle is equipped with a dashboard camera,  
50 and except as provided in subsection (b) of this section, a law enforcement officer shall activate  
51 the dashboard camera when engaging in a traffic stop, vehicle pursuit, vehicle search, or other

1 interaction with the public that is within the range of the camera. Except when doing so would  
2 be unsafe, impracticable, or impossible, a law enforcement officer shall inform the person or  
3 people the law enforcement officer is interacting with that the interaction is being recorded. A  
4 law enforcement officer shall not deactivate a dashboard camera until (i) the conclusion of the  
5 traffic stop, vehicle pursuit, vehicle search, or other interaction with the public, (ii) the law  
6 enforcement officer has left the scene, (iii) a supervisor, while being recorded, authorizes the law  
7 enforcement officer to deactivate the dashboard camera, or (iv) an exception listed in subsection  
8 (b) of this section authorizes deactivation. Prior to deactivating a dashboard camera, a law  
9 enforcement officer shall announce that the officer is deactivating the dashboard camera and the  
10 reason why the officer is deactivating the dashboard camera. A law enforcement officer shall  
11 note in any incident report prepared after an interaction with the public that a recording was made  
12 using a dashboard camera.

13 (b) Exceptions. – To the extent that they are applicable, a law enforcement officer shall  
14 not be required to activate a dashboard camera in any of the places or situations listed in  
15 subsection (b) of G.S. 15A-202.

16 (c) Other Requirements. – The requirements listed in subsections (c) through (h) of  
17 G.S. 15A-202 shall apply to the use of dashboard cameras under this section. Any reference to  
18 body-worn cameras in subsections (c) through (i) of G.S. 15A-202 shall be deemed to be a  
19 reference to dashboard cameras for purposes of this subsection.

20 (d) Construction. – Nothing in this section shall be construed to require the installation  
21 of a dashboard camera in a law enforcement vehicle."

22 **SECTION 3.(a) Grant Program. –** There is appropriated from the General Fund to  
23 the Governor's Crime Commission within the Department of Public Safety the sum of five  
24 million dollars (\$5,000,000) in nonrecurring funds for the 2019-2020 fiscal year and the sum of  
25 five million dollars (\$5,000,000) in nonrecurring funds for the 2020-2021 fiscal year to provide  
26 grants to law enforcement agencies for the purposes of purchasing and maintaining body-worn  
27 cameras, as required by Section 2 of this act.

28 **SECTION 3.(b) Match Required. –** A grant provided pursuant to this section shall  
29 be matched on the basis of one dollar (\$1.00) in grant funds for every five dollars (\$5.00) in  
30 nongrant funds. Matching funds shall not include other State funds. The Governor's Crime  
31 Commission shall not provide a grant under this section until the grantee provides evidence  
32 satisfactory to the Commission that the grantee has sufficient nongrant funds to match.

33 **SECTION 3.(c) Maximum Amount. –** A grant provided under this section shall not  
34 exceed one hundred thousand dollars (\$100,000).

35 **SECTION 3.(d) Guidelines. –** The Governor's Crime Commission shall develop  
36 guidelines and procedures for the administration and distribution of grants under this section.

37 **SECTION 4. G.S. 15A-220 reads as rewritten:**

38 **"§ 15A-220. SBI and State Crime Laboratory access to view and analyze recordings.**

39 Any State or local law enforcement agency that uses the services of the State Bureau of  
40 Investigation or the North Carolina State Crime Laboratory to analyze a recording covered by  
41 G.S. 132-1.4A-Article 7 of Chapter 15A of the General Statutes shall, at no cost, provide access  
42 to a method to view and analyze the recording upon request of the State Bureau of Investigation  
43 or the North Carolina State Crime Laboratory."

44 **SECTION 5. G.S. 114-64 reads as rewritten:**

45 **"§ 114-64. SBI and State Crime Laboratory access to view and analyze recordings.**

46 Any State or local law enforcement agency that uses the services of the State Bureau of  
47 Investigation or the North Carolina State Crime Laboratory to analyze a recording covered by  
48 G.S. 132-1.4A-Article 7 of Chapter 15A of the General Statutes shall, at no cost, provide access  
49 to a method to view and analyze the recording upon request of the State Bureau of Investigation  
50 or the North Carolina State Crime Laboratory."

51 **SECTION 6. G.S. 143-318.11(a) reads as rewritten:**

1       "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held  
2 only when required to permit a public body to act in the public interest as permitted in this section.  
3 A public body may hold a closed session and exclude the public only when a closed session is  
4 required:

5           ...  
6           (10) To view a recording released pursuant to ~~G.S. 132-1.4A~~ Article 7 of Chapter  
7           15A of the General Statutes."

8           **SECTION 7.** G.S. 153A-436.1 reads as rewritten:

9       "**§ 153A-436.1. SBI and State Crime Laboratory access to view and analyze recordings.**

10       The local law enforcement agency of any county that uses the services of the State Bureau of  
11 Investigation or the North Carolina State Crime Laboratory to analyze a recording covered by  
12 ~~G.S. 132-1.4A~~ Article 7 of Chapter 15A of the General Statutes shall, at no cost, provide access  
13 to a method to view and analyze the recording upon request of the State Bureau of Investigation  
14 or the North Carolina State Crime Laboratory."

15       **SECTION 8.** G.S. 160A-490.1 reads as rewritten:

16       "**§ 160A-490.1. SBI and State Crime Laboratory access to view and analyze recordings.**

17       The local law enforcement agency of any city that uses the services of the State Bureau of  
18 Investigation or the North Carolina State Crime Laboratory to analyze a recording covered by  
19 ~~G.S. 132-1.4A~~ Article 7 of Chapter 15A of the General Statutes shall, at no cost, provide access  
20 to a method to view and analyze the recording upon request of the State Bureau of Investigation  
21 or the North Carolina State Crime Laboratory."

22       **SECTION 9.** Section 3 of this act becomes effective July 1, 2019. The remainder of  
23 this act becomes effective January 1, 2021.