

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10477-NDa-126A

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

Sponsors: Representative Brockman.

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 MODIFY ACCESS POLICIES 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. Chapter 15A of the General Statutes is amended by adding a new  
10 Article to read:

11 "Article 7.

12 "Body-Worn Cameras and Dashboard Cameras.

13 "§ 15A-201. Definitions.

14 The following definitions apply in this Article:

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



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1 assigned to patrol duties. For purposes of this Article, this term also includes  
2 on-duty State correctional officers.

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

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

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

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

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

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

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

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

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

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

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

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

45 (c) Waiver. – A law enforcement officer shall read, agree to, and sign a written waiver  
46 that consists of consent by the law enforcement officer to be recorded by a body-worn camera  
47 and an acknowledgment of the requirements of this section and the related policies established  
48 under subsection (i) of this section by the law enforcement agency employing the law  
49 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) Access to Recordings. – Access to recordings shall be provided in accordance with  
5 the provisions of G.S. 132-1.4A.

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

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

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

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

23 **"§ 15A-203. Use of dashboard cameras in law enforcement vehicles.**

24       (a) Requirement. – If a law enforcement vehicle is equipped with a dashboard camera,  
25 and except as provided in subsection (b) of this section, a law enforcement officer shall activate  
26 the dashboard camera when engaging in a traffic stop, vehicle pursuit, vehicle search, or other  
27 interaction with the public that is within the range of the camera. Except when doing so would  
28 be unsafe, impracticable, or impossible, a law enforcement officer shall inform the person or  
29 people the law enforcement officer is interacting with that the interaction is being recorded. A  
30 law enforcement officer shall not deactivate a dashboard camera until (i) the conclusion of the  
31 traffic stop, vehicle pursuit, vehicle search, or other interaction with the public, (ii) the law  
32 enforcement officer has left the scene, (iii) a supervisor, while being recorded, authorizes the law  
33 enforcement officer to deactivate the dashboard camera, or (iv) an exception listed in subsection  
34 (b) of this section authorizes deactivation. Prior to deactivating a dashboard camera, a law  
35 enforcement officer shall announce that the officer is deactivating the dashboard camera and the  
36 reason why the officer is deactivating the dashboard camera. A law enforcement officer shall  
37 note in any incident report prepared after an interaction with the public that a recording was made  
38 using a dashboard camera.

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

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

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

48       **SECTION 2.** G.S. 132-1.4A reads as rewritten:

49 **"§ 132-1.4A. Law enforcement agency recordings.**

50       ...

1 (b) Public Record and Personnel Record Classification. – Recordings are not public  
2 records as defined by ~~G.S. 132-1~~. G.S. 132.1, except as provided in subsection (b1) of this  
3 section. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General  
4 Statutes, G.S. 160A-168, or G.S. 153A-98.

5 (b1) Release as a Public Record. – Except as otherwise provided in this section, recordings  
6 in the custody of a law enforcement agency shall not be released as a public record, as defined in  
7 G.S. 132-1, for 15 days following the date of the recorded occurrence. Upon the expiration of 15  
8 days, the recording shall be automatically released as a public record, unless a custodial law  
9 enforcement agency or a person authorized to receive disclosure pursuant to subsection (c) of  
10 this section has filed an action in superior court requesting the court to order that the recording  
11 not be released as a public record. The court may order that the recording not be released as a  
12 public record for up to 30 days following the date of the recorded occurrence. At the expiration  
13 of the court's order or after 30 days following the date of the recorded occurrence, whichever  
14 occurs first, the recording shall be automatically released as a public record. There shall be no  
15 fee for filing the petition, which shall be filed on a form approved by the Administrative Office  
16 of the Courts and shall state the date and approximate time of the activity captured in the  
17 recording, or otherwise identify the activity with reasonable particularity sufficient to identify  
18 the recording. Petitions filed pursuant to this subsection shall be set down for hearing as soon as  
19 practicable and shall be accorded priority by the court. In addition to any other standards the  
20 court deems relevant, the court shall consider the standards listed in subsection (g) of this section  
21 in determining whether the recording shall not be released as a public record.

22 (c) Disclosure; ~~General Requests~~. – ~~Recordings in the custody of a law enforcement~~  
23 ~~agency shall be disclosed only as provided by this section.~~ A person requesting disclosure of a  
24 recording in the custody of a law enforcement agency must make a written request to the head of  
25 the custodial law enforcement agency that states the date and approximate time of the activity  
26 captured in the recording or otherwise identifies the activity with reasonable particularity  
27 sufficient to identify the recording to which the request refers.

28 The head of the custodial law enforcement agency may only disclose a recording to the  
29 following:

30 ...

31 When disclosing the recording, the law enforcement agency shall disclose only those portions of  
32 the recording that are relevant to the person's request. A person who receives disclosure pursuant  
33 to this subsection shall not record or copy the recording.

34 ...

35 (e) Appeal of Disclosure Denial. – If a law enforcement agency denies disclosure  
36 pursuant to subsection (d) of this section, or has failed to provide disclosure more than three  
37 business days after the request for disclosure, the person seeking disclosure may apply to the  
38 superior court in any county where any portion of the recording was made for a review of the  
39 denial of disclosure. The court may conduct an in-camera review of the recording. The court may  
40 order the disclosure of the recording only if the court finds that the law enforcement agency  
41 abused its discretion in denying the request for disclosure. The court may only order disclosure  
42 of those portions of the recording that are relevant to the person's request. A person who receives  
43 disclosure pursuant to this subsection shall not record or copy the recording. An order issued  
44 pursuant to this subsection may not order the release of the recording.

45 In any proceeding pursuant to this subsection, the following persons shall be notified and  
46 those persons, or their designated representative, shall be given an opportunity to be heard at any  
47 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement  
48 agency personnel whose image or voice is in the recording and the head of that person's  
49 employing law enforcement agency, ~~and~~ (iii) the District Attorney. ~~Attorney~~, (iv) any person  
50 whose image or voice is in the recording and is a criminal defendant or is the subject of a criminal  
51 investigation related to the recording, and (v) the immediate family members of any person

1 whose image or voice is in the recording and is a criminal defendant or is the subject of a criminal  
2 investigation related to the recording. Actions brought pursuant to this subsection shall be set  
3 down for hearing as soon as practicable, and subsequent proceedings in such actions shall be  
4 accorded priority by the trial and appellate courts.

5 (f) Release of Recordings to Certain Persons; Expedited Process. – Notwithstanding the  
6 provisions of ~~subsection~~ subsections (b1) and (g) of this section, a person authorized to receive  
7 disclosure pursuant to subsection (c) of this section, or the custodial law enforcement agency,  
8 may petition the superior court in any county where any portion of the recording was made for  
9 an order releasing the recording to a person authorized to receive disclosure. There shall be no  
10 fee for filing the petition which shall be filed on a form approved by the Administrative Office  
11 of the Courts and shall state the date and approximate time of the activity captured in the  
12 recording, or otherwise identify the activity with reasonable particularity sufficient to identify  
13 the recording. If the petitioner is a person authorized to receive disclosure, notice and an  
14 opportunity to be heard shall be given to the head of the custodial law enforcement agency.  
15 Petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and  
16 shall be accorded priority by the court.

17 The court shall first determine if the person to whom release of the recording is requested is  
18 a person authorized to receive disclosure pursuant to subsection (c) of this section. In making this  
19 determination, the court may conduct an in-camera review of the recording and may, in its  
20 discretion, allow the petitioner to be present to assist in identifying the image or voice in the  
21 recording that authorizes disclosure to the person to whom release is requested. If the court  
22 determines that the person is not authorized to receive disclosure pursuant to subsection (c) of  
23 this section, there shall be no right of appeal and the petitioner may file an action for release  
24 pursuant to subsection (g) of this section.

25 If the court determines that the person to whom release of the recording is requested is a  
26 person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall  
27 consider the standards set out in subsection (g) of this section and any other standards the court  
28 deems relevant in determining whether to order the release of all or a portion of the recording.  
29 The court may conduct an in-camera review of the recording. The court shall release only those  
30 portions of the recording that are relevant to the person's request and may place any conditions  
31 or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

32 ...."

33 **SECTION 3.(a)** Grant Program. – There is appropriated from the General Fund to  
34 the Governor's Crime Commission within the Department of Public Safety the sum of five  
35 million dollars (\$5,000,000) in nonrecurring funds for the 2021-2022 fiscal year and the sum of  
36 five million dollars (\$5,000,000) in nonrecurring funds for the 2022-2023 fiscal year to provide  
37 grants to law enforcement agencies for the purposes of purchasing and maintaining body-worn  
38 cameras, as required by Section 2 of this act.

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

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

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

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

49 **"§ 15A-220. SBI and State Crime Laboratory access to view and analyze recordings.**

50 Any State or local law enforcement agency that uses the services of the State Bureau of  
51 Investigation or the North Carolina State Crime Laboratory to analyze a recording covered by

1 G.S. 132-1.4A or Article 7 of Chapter 15A of the General Statutes shall, at no cost, provide  
2 access to a method to view and analyze the recording upon request of the State Bureau of  
3 Investigation or the North Carolina State Crime Laboratory."

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

5 "**§ 114-64. SBI and State Crime Laboratory access to view and analyze recordings.**

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

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

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

16 ...

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

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

20 "**§ 153A-436.1. SBI and State Crime Laboratory access to view and analyze recordings.**

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

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

27 "**§ 160A-490.1. SBI and State Crime Laboratory access to view and analyze recordings.**

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

33 **SECTION 9.** Sections 1, 4, 5, 6, 7, and 8 of this act become effective January 1,  
34 2023. Section 2 of this act becomes effective December 1, 2021, and applies to body-worn  
35 camera recordings recorded on or after that date. Section 3 of this act becomes effective July 1,  
36 2021. The remainder of this act is effective when it becomes law.