



HOUSE BILL 713: Body & Dash Cam Recording/Public Access

2015-2016 General
Assembly

Committee:	Justice and Public Safety Oversight Committee Subcommittee on Body-Worn Cameras	Date:	February 9, 2016
Introduced by:	Reps. Faircloth, Daughtry, Boles, Hurley	Prepared by:	Janice Paul
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 713 would specify that criminal information derived from body-worn cameras and in-car cameras of law enforcement officers is not a public record, and sets out provisions for requested recordings.*

CURRENT LAW:

State law: Under G.S. 132-1.4, records created in connection with criminal investigations conducted by law enforcement agencies are not public records as defined by G.S. 132-1. "Records of criminal investigation" means information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements, and also includes specified records of the State Crime Laboratory. Currently, recordings from body-worn and in-car cameras are not included in G.S. 132-1.4.

Federal law: Several bills and resolutions relating to body-worn cameras have been introduced in the 114th Congress (2015-2016). (See website, below.)

<https://www.congress.gov/search?q=%7B%22congress%22%3A%22114%22%2C%22source%22%3A%22legislation%22%2C%22search%22%3A%22%5C%22body%20worn%20camera%5C%22%22%7D>

BILL ANALYSIS:

House Bill 713 would add to the definition of "records of criminal investigations" recordings from body-worn cameras or in-car cameras of law enforcement officers, thereby excluding them from the definition of "public records."

The bill would require a person seeking a court order authorizing access to recordings of a law enforcement officer's body-worn cameras and in-car cameras to specify "with reasonable particularity" the portion of the recording containing the requested information. However, notwithstanding other State laws that regulate or prohibit access to employee personnel records, a law enforcement agency may release recordings captured by body-worn cameras or in-car cameras without the consent of the law enforcement officer whose actions are captured on the recordings, but a law enforcement agency is not required to allow access to the recordings. The bill also clarifies that federal law governing access to these types of recordings would not be superseded.

EFFECTIVE DATE: Effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 713
Committee Substitute Favorable 4/22/15

Short Title: Body & Dash Cam Recording/Public Access.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED
AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO RELEASE TO THE
PUBLIC RECORDINGS CAPTURED BY BODY-WORN CAMERAS AND IN-CAR
CAMERAS UTILIZED BY LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-1.4(b)(1) reads as rewritten:

"(1) "Records of criminal investigations" means all records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information derived from witnesses, laboratory tests, surveillance, body-worn and in-car cameras, investigators, confidential informants, photographs, and measurements. The term also includes any records, worksheets, reports, or analyses prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation."

SECTION 2. G.S. 132-1.4 is amended by adding a new subsection to read:

"(g1) A person seeking an order under subsection (a) of this section to inspect, examine, or obtain a copy of audio, video, or audio and video recordings captured by a law enforcement officer's body-worn camera or in-car camera must state the date and approximate time of the incident or encounter captured by the body-worn camera or in-car camera or otherwise identify the incident or encounter with reasonable particularity. Notwithstanding any other provision of State law regulating or prohibiting access to employee personnel records, a law enforcement agency may release recordings captured by a law enforcement officer's body-worn camera or in-car camera without the consent of the law enforcement officer whose actions, visual or audible, are captured on the recordings. Nothing in this subsection shall be construed as (i) requiring a law enforcement agency to allow inspection, examination, or release of audio, video, or audio and video recordings captured by a law enforcement officer's body-worn camera or in-car camera or (ii) superseding federal law that authorizes or prohibits access to recordings subject to this subsection."

SECTION 3. This act is effective when it becomes law.

