

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1957

Introduced by Assembly Member Quirk

February 12, 2016

An act to add Section 6254.31 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as amended, Quirk. Public records: body-worn cameras.

The California Public Records Act requires that public records be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies.

This bill would ~~require~~ *authorize* the governing board of ~~the~~ *a* law enforcement agency, in closed session, to review the footage from a body-worn camera when an officer is involved in an incident that results in great bodily ~~harm~~ *injury* or death. The bill would require the judge, if there is ~~an indictment~~ *a prosecution* after an investigation, to

determine the protocol for release of the footage from a body-worn camera. The bill would require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into a misconduct ~~that uses or involves that footage.~~ *allegation based on use of force resulting in great bodily injury or death.* The bill would also prohibit the public release of footage that relates to crimes of domestic violence or crimes that include minors or that includes statements of a witness at the scene of a crime.

By increasing the duties of local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide ~~that~~ *that*, with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.31 is added to the Government
- 2 Code, to read:
- 3 6254.31. (a) Before the end of the business day following the
- 4 date on which the incident occurs, the governing body of the law
- 5 enforcement agency, in closed session, ~~shall~~ *may* review the footage
- 6 from a body-worn camera when the officer is involved in an
- 7 incident that results in great bodily ~~harm~~ *injury* or death.
- 8 (b) If, after reviewing the footage as required in subdivision (a),
- 9 there is an investigation that leads to ~~an indictment,~~ *prosecution,*
- 10 the judge shall review the body-worn camera footage and determine
- 11 the release protocol, including, but not limited to, whether the
- 12 footage is released, to whom, and if redaction is required.
- 13 (c) Except as provided in subdivision (d), notwithstanding
- 14 Section 6254, a state or local law enforcement agency shall make
- 15 available, upon request pursuant to this chapter, footage from a

1 law enforcement body-worn camera 60 days after the
2 commencement of an investigation into a misconduct ~~that uses or~~
3 ~~involves that footage.~~ *allegation based on use of force resulting*
4 *in great bodily injury or death depicted in the footage.*

5 (d) Footage of body-worn cameras that relates to crimes of
6 domestic violence or crimes that include minors or that includes
7 statements of a witness at the scene of a crime shall not be released
8 for public viewing.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution for certain
11 costs because, in that regard, the only costs that may be incurred
12 by a local agency or school district under this act would result
13 from a legislative mandate that is within the scope of paragraph
14 (7) of subdivision (b) of Section 3 of Article I of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.