

AMENDED IN SENATE APRIL 20, 2015
AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 265

Introduced by Senator Gaines

February 18, 2015

An act to add Section 6254.34 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 265, as amended, Gaines. Camera footage: private residence: limited disclosure.

(1) 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.

~~This bill would, notwithstanding any other law, prohibit the disclosure of camera footage of the inside of a private residence, except for requiring disclosure to an occupant of the private residence.~~ *would, subject to certain restrictions, require camera footage of the inside of a private residence to be made available only upon request, as specified.* The bill would define terms for its purposes.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(4) 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 no reimbursement is required by this act for a specified reason.

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 6254.34 is added to the Government~~
 2 ~~Code, to read:~~

3 ~~6254.34. (a) Notwithstanding any other law, camera footage~~
 4 ~~of the inside of a private residence is confidential and shall not be~~
 5 ~~disclosed, except that camera footage shall be disclosed to an~~
 6 ~~occupant of the private residence.~~

7 ~~(b) The following definitions shall apply to this section:~~

8 ~~(1) “Camera footage” means any recording of video, audio, or~~
 9 ~~both, in a digital or analog format.~~

10 ~~(2) “Occupant” means any person with the legal right to reside~~
 11 ~~in the private residence, including, but not limited to, a tenant.~~

12 ~~SECTION 1. Section 6254.34 is added to the Government Code,~~
 13 ~~to read:~~

14 ~~6254.34. (a) Subject to the restrictions in Section 6254 or any~~
 15 ~~other law, camera footage of the inside of a private residence shall~~
 16 ~~be made available only upon request as follows:~~

17 ~~(1) To a person, or his or her agent or family member, who is~~
 18 ~~captured on the camera footage.~~

19 ~~(2) To the owner or tenant of the private residence.~~

20 ~~(3) Upon determination that the camera footage involves an~~
 21 ~~unlawful or serious use of force by a peace officer.~~

1 (4) *To an officer or employee of another governmental agency*
2 *when necessary for the performance of his or her official duties.*

3 (5) *Upon court order or the request of a law enforcement agency*
4 *relative to an ongoing investigation.*

5 (6) *Upon determination by the local agency that the public*
6 *interest in disclosure of the information clearly outweighs the*
7 *public interest in nondisclosure.*

8 (b) *For purposes of this section, both of the following shall*
9 *apply:*

10 (1) *“Camera footage” means any recording of video, audio, or*
11 *both, in a digital or analog format.*

12 (2) *“Serious use of force” means any use of force resulting in,*
13 *or contributing to, hospitalization, and any use of the following:*

14 (A) *Discharge of a firearm.*

15 (B) *Use of an electronic control or conducted energy device.*

16 (C) *A strike by a baton.*

17 (D) *A projectile strike.*

18 (E) *A strike to a person’s head.*

19 SEC. 2. The Legislature finds and declares that Section 1 of
20 this act, which adds Section 6254.32 to the Government Code,
21 imposes a limitation on the public’s right of access to the meetings
22 of public bodies or the writings of public officials and agencies
23 within the meaning of Section 3 of Article I of the California
24 Constitution. Pursuant to that constitutional provision, the
25 Legislature makes the following findings to demonstrate the interest
26 protected by this limitation and the need for protecting that interest:

27 The need to protect individual privacy from the public disclosure
28 of images captured by camera footage of the inside of a private
29 residence outweighs the interest in the public disclosure of that
30 information.

31 SEC. 3. The Legislature finds and declares that Section 1 of
32 this act, which adds Section 6254.32 to the Government Code,
33 furthers, within the meaning of paragraph (7) of subdivision (b)
34 of Section 3 of Article I of the California Constitution, the purposes
35 of that constitutional section as it relates to the right of public
36 access to the meetings of local public bodies or the writings of
37 local public officials and local agencies. Pursuant to paragraph (7)
38 of subdivision (b) of Section 3 of Article I of the California
39 Constitution, the Legislature makes the following findings:

1 Protecting the privacy of an occupant whose private residence
2 is captured on camera footage by local law enforcement and other
3 local governmental entities enhances public safety and the
4 protection of individual rights, thereby furthering the purposes of
5 Section 3 of Article I of the California Constitution.

6 SEC. 4. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district under this act would result from a legislative mandate that
10 is within the scope of paragraph (7) of subdivision (b) of Section
11 3 of Article I of the California Constitution.