

AMENDED IN ASSEMBLY MAY 20, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 820

Introduced by Assembly Member Brewer

February 27, 1997

An act to amend Sections 34090.6 and 34090.7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 820, as amended, Brewer. Local government operations: video tape retention.

Under existing law, unless otherwise provided by law, the head of a city department may destroy any city record, document, instrument, book, or paper, under his or her charge, without making a copy thereof, after the same is no longer required, except those records less than 2 years old, among specified others. Existing law further authorizes the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district to destroy recordings of telephone and radio communications maintained by the department or the special district after 100 days. Existing law also authorizes the destruction of duplicate records, as defined, less than 2 years old.

This bill would authorize the head of a department to destroy recordings of routine video monitoring, as defined, after ~~100 days~~ *6 months*. The bill would also include recordings

of routine video monitoring among those duplicate city records permitted to be destroyed before 2 years.

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

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

1 SECTION 1. Section 34090.6 of the Government
2 Code is amended to read:

3 34090.6. (a) Notwithstanding the provisions of
4 Section 34090, the head of a department of a city, county,
5 or city and county, public safety communications center,
6 or the head of a special district, after ~~100 days~~ *six months*,
7 may destroy recordings of routine video monitoring and
8 telephone and radio communications maintained by the
9 department or the special district. This destruction shall
10 be approved by the legislative body and the written
11 consent of the agency attorney shall be obtained. In the
12 event that the recordings are evidence in any claim filed
13 or any pending litigation, they shall be preserved until
14 pending litigation is resolved.

15 (b) For purposes of this section, “recordings of
16 telephone and radio communications” means the routine
17 daily taping and recording of telephone communications
18 to and from a city, county, city and county, or special
19 district, department, and all radio communications
20 relating to the operations of the departments or special
21 districts.

22 (c) For purposes of this section, “routine video
23 monitoring” means video taping by a video or electronic
24 imaging system designed to record the regular and
25 ongoing operations of the departments or districts
26 described in subdivision (a), including mobile in-car
27 video systems, jail observation and monitoring systems,
28 and building security taping systems.

29 SEC. 2. Section 34090.7 of the Government Code is
30 amended to read:

31 34090.7. Notwithstanding the provisions of Section
32 34090, the legislative body of a city may prescribe a
33 procedure whereby duplicates of city records less than



1 two years old may be destroyed if they are no longer
2 required.

3 For purposes of this section, video recording media,
4 such as videotapes and films, and including recordings of
5 “routine video monitoring” pursuant to Section 34090.6,
6 shall be considered duplicate records if the city keeps
7 another record, such as written minutes or an audio tape
8 recording, of the event that is recorded in the video
9 medium. However, a video recording medium shall not
10 be destroyed or erased pursuant to this section for a
11 period of at least 90 days after occurrence of the event
12 recorded thereon.

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