

AMENDED IN SENATE JULY 17, 1997
AMENDED IN SENATE JUNE 11, 1997
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: videotape 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 ~~6 months~~ 1 year. 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 ~~six months~~ one year,
7 may destroy recordings of routine video monitoring, and
8 after 100 days may destroy recordings of telephone and
9 radio communications maintained by the department or
10 the special district. This destruction shall be approved by
11 the legislative body and the written consent of the agency
12 attorney shall be obtained. In the event that the
13 recordings are evidence in any claim filed or any pending
14 litigation, they shall be preserved until pending litigation
15 is resolved.

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

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



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

3 34090.7. Notwithstanding the provisions of Section
4 34090, the legislative body of a city may prescribe a
5 procedure whereby duplicates of city records less than
6 two years old may be destroyed if they are no longer
7 required.

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

