

2015 Regular Session

HOUSE BILL NO. 183

BY REPRESENTATIVE HONORE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT: Provides for the use of body cameras by law enforcement officers

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact Chapter 18-B of Title 40 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2431 through 2436,
4 relative to peace officers; to establish the "Peace Officer and Citizens Protection
5 Act"; to provide for legislative findings and intent; to provide for definitions; to
6 require all law enforcement officers to wear body cameras; to provide for policies
7 and procedures relative to the use of body cameras; to provide relative to funding and
8 effectiveness; to provide for an exception to the "Public Records Law"; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 18-B of Title 40 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 40:2431 through 2436, is hereby enacted to read as follows:

13 CHAPTER 18-B. PEACE OFFICER AND CITIZENS

14 PROTECTION ACT

15 §2431. Short title

16 This Chapter may be cited as the "Peace Officer and Citizens Protection Act".

17 §2432. Legislative purpose; findings and intent

18 A. Purpose and findings. (1) The legislature declares that in order to
19 safeguard the public and peace officers of this state, it is vital for local peace officers
20 and the communities they protect to have strong, collaborative relationships.

1 (2) The legislature finds that trust between law enforcement agencies and the
2 citizens they serve is essential to the stability of communities, the integrity of the
3 criminal justice system, and the safe and effective delivery of policing services.

4 B. Intent. (1) The legislature intends that by requiring the use of body
5 cameras by all law enforcement agencies, the provisions of this Chapter will assist
6 in preventing and resolving complaints brought by members of the public against law
7 enforcement officers, strengthen law enforcement transparency, performance, and
8 accountability, and the documentation of evidence.

9 (2) The legislature further intends that the use of video footage would
10 discourage citizens from filing unfounded complaints against officers, which could
11 save the agencies a significant amount of time and funds that would otherwise be
12 spent on lengthy investigations and lawsuits.

13 (3) Most importantly, the legislature intends for the body cameras to assist
14 law enforcement agencies in identifying and correcting problems within those
15 agencies by using footage from the cameras to provide scenario-based training,
16 evaluate the performance of new officers in the field, and identify new areas in
17 which training may be needed.

18 §2433. Definitions

19 As used in this Chapter, the following terms shall have the following
20 meanings:

21 (1) "Body camera" means an electronic device that is capable of recording
22 video and audio data or capable of transmitting video and audio data to be recorded
23 remotely, and is worn on the person of a peace officer, which includes being attached
24 to the officer's clothing or worn on glasses.

25 (2) "Peace officer" means a peace officer defined in R.S. 40:2402(3)(a).
26 "Peace officer" for purposes of this Chapter shall also include any person designated
27 by a university, school, or school district to provide security at a public or nonpublic
28 school or university.

1 §2434. Peace officer duties and responsibilities; body camera; policies and
2 procedures

3 A. A peace officer shall wear a body camera at all times while on duty and
4 in uniform and shall record using the body camera all contacts with any individual
5 or group of people in the performance of the official duties of the peace officer from
6 the beginning to the end of those contacts. The body camera shall be worn on the
7 chest or at the eye level of the peace officer.

8 B. A peace officer shall inform a person when that person is being recorded
9 by a body camera unless informing the person would be unsafe, impractical, or
10 impossible.

11 C. Any recording involving contact between any individual or group of
12 people and a peace officer in his official duties shall be retained for a period of at
13 least two years from the date of the recording. The recording shall be retained by the
14 law enforcement agency employing the peace officer or the public or nonpublic
15 school or school district or university that designates the peace officer to provide
16 security.

17 D. A peace officer who fails to record any contact as required by the
18 provisions of this Chapter shall be subject to an investigation into the cause of the
19 recording failure and may be subject to disciplinary action as determined by his
20 superior.

21 E. Each law enforcement agency shall establish policies and procedures
22 addressing the proper use, maintenance, and storage of body cameras and the data
23 recorded by such body cameras. The policies and procedures shall include all of the
24 following:

25 (1) General guidelines for the proper use, maintenance, and storage of body
26 cameras, which shall include procedures for the when the body camera shall be in
27 recording mode.

28 (2) Any limitations on the situations in which peace officers are permitted
29 to wear body cameras.

1 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, 1232.7,
2 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.1.1(D),
3 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138,
4 2532, 2845.1, and Chapter 18-B of Title 40 of the Louisiana revised Statutes of 1950.

5 * * *

6 Section 3. The Louisiana State Law Institute is hereby directed to redesignate the
7 heading of Chapter 18 to Chapter 18-A of Title 40.

8 Section 4. The provisions of this Act shall not be effective until funding is made
9 available by the federal government to law enforcement agencies for purposes of purchasing
10 or supplementing the cost to purchase body cameras for use as provided for in this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 183 Original

2015 Regular Session

Honore

Abstract: Creates the "Peace Officer Citizens and Protection Act" which requires law enforcement officers to wear body cameras and provides relative to the policies and procedures regarding use of the cameras.

Proposed law requires that a peace officer wear a body camera on the chest or at eye level at all times while on duty and in uniform to record all contacts with any individual or group of people in the performance of his official duties from the beginning to the end of those contacts. Proposed law further requires the peace officer to inform any person when that person is being recorded unless informing the person would be unsafe, impractical, or impossible.

Proposed law requires that the law enforcement agency be responsible for all recordings made by its law enforcement officers, and requires all recordings to be retained by the law enforcement agency for a period of at least two years from the date of the recording.

Proposed law requires that a peace officer who fails to record any contact as required by proposed law be subject to an investigation into the cause of the recording failure and may be subject to disciplinary action as determined by his superior.

Proposed law requires each law enforcement agency to establish policies and procedures and train officers regarding the proper use, maintenance, and storage of body cameras and the data recorded by such body cameras.

Proposed law requires all law enforcement agencies to participate in any existing state or federal programs that fund or supplement the costs to purchase and maintain body cameras worn by peace officers.

Proposed law exempts the audio and video data from the requirements provided for in Louisiana's Public Records Law (R.S. 44:1 et seq.).

Provides that proposed law shall not be effective until funding is made available.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:2431-2436)