

2020 Regular Session

HOUSE BILL NO. 512

BY REPRESENTATIVE LYONS

LAW ENFORCEMENT: Provides relative to body-worn cameras

1 AN ACT

2 To enact R.S. 15:1213 and R.S. 40:2405.1.1, relative to body-worn cameras; to create the
3 Louisiana Law Enforcement Body-Worn Camera Use and Support Platform; to
4 provide for the purpose of the platform; to provide for the duties and authority of the
5 Louisiana Commission on Law Enforcement and the Administration of Criminal
6 Justice; to provide for the type of information contained in the platform; to provide
7 for certain limitations on the information that can be exchanged through the
8 platform; to require the Council on Peace Officer Standards and Training to establish
9 guidelines for law enforcement with respect to body-worn cameras; to establish the
10 Law Enforcement Body-Worn Camera Fund; to provide for the use and purposes of
11 the fund; to provide for the administration of the fund by the Louisiana Commission
12 on Law Enforcement and Administration of Criminal Justice; and to provide for
13 related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 15:1213 is hereby enacted to read as follows:

16 §1213. Louisiana Law Enforcement Body-Worn Camera Use and Support Platform

17 A. There is hereby created within the Louisiana Commission on Law
18 Enforcement and the Administration of Criminal Justice, hereinafter referred to as
19 the "commission", a Louisiana Law Enforcement Body-Worn Camera Use and
20 Support Platform, herein after referred to as the "platform", for the exchange among

1 law enforcement agencies in this state of non-confidential, technical, and procedural
2 information and experiences with respect to body-worn cameras including but not
3 limited to:

4 (1) Information, policies, and procedures relative to the equipment and
5 technical functioning of body-worn cameras, including information, policies, and
6 procedures on the cost, proper use, maintenance, and storage of the body-worn
7 cameras.

8 (2) Information, policies, and procedures on the use of body-worn cameras
9 while a law enforcement officer is engaged in the performance of his official duties.

10 (3) Information, policies, and procedures regarding proper storage, retention,
11 and release of audio and video data recorded by body-worn cameras and the time
12 frame to review the data recorded by body-worn cameras.

13 (4) Information, policies, and procedures regarding the law enforcement
14 training on the use of body-worn cameras and training on the agency's policies and
15 procedures with respect to body-worn cameras.

16 B. The information exchanged through the platform shall not include any
17 personal identifying information of any offender, victim, law enforcement officer,
18 or any other person involved in any incident, arrest, investigation, or case.

19 C. The commission shall be the central depository for all information
20 submitted for entry into the platform by law enforcement agencies and shall have the
21 following functions, powers, and duties:

22 (1) To establish, through electronic data processing and related procedures,
23 a platform by which non-confidential information related to the use of body cameras
24 by law enforcement agencies can be uploaded, organized, retained, and made readily
25 available to serve and be electronically accessible to law enforcement agencies in the
26 state.

27 (2) To adopt such measures to assure the security of the platform as may be
28 specified in state and federal regulations.

1 (3) To adopt and publish for distribution to the platform users, the operating
2 policies, practices and procedures, and conditions of qualification for information
3 access.

4 (4) To instruct law enforcement agencies on the installation, maintenance,
5 and use of the platform and in the manner of providing information to the platform.

6 (5) To make, solicit, and request proposals and offers, and to execute and
7 effectuate agreements or contracts for the operation of any part of the platform.

8 (6) To appoint employees, agents, consultants, and special committees as it
9 may deem necessary to properly manage the platform.

10 (7) To promulgate rules in accordance with the Administrative Procedure
11 Act and regulations to carry out the functions, powers, and duties set forth in this
12 Section.

13 Section 2. R.S. 40:2405.1.1 is hereby enacted to read as follows:

14 §2405.1.1. Body-worn cameras; standards and guidelines for use; fund

15 A.(1) The Council on Peace Officer Standards and Training shall develop
16 and adopt rules, in accordance with the Administrative Procedure Act, to establish
17 guidelines and standards for law enforcement agencies and officers on the use,
18 maintenance, and storage of body-worn cameras and the data recorded by the body-
19 worn cameras. The guidelines and standards shall include all of the following:

20 (a) General guidelines for the proper use, maintenance, and storage of body-
21 worn cameras, which shall include procedures for the when the body-worn camera
22 shall be in recording mode including but not limited to when the law enforcement
23 officer is engaged or participating in an arrest, interagency arrests or task forces, and
24 crowd control.

25 (b) Any limitations on the situations in which peace officers are permitted
26 to wear body-worn cameras.

27 (c) General guidelines for the proper storage, retention, and release of audio
28 and video data recorded by body-worn cameras.

1 (d) General guidelines for law enforcement agencies on the adoption of
2 internal policies and procedures relative to the use, maintenance, and storage of
3 body-worn cameras and the data recorded by the body-worn cameras.

4 (2) The Council on Peace Officer Standards and Training shall develop a
5 training program for law enforcement agencies and officers on the guidelines and
6 standards adopted pursuant to this Subsection.

7 B.(1) There is hereby established in the state treasury a special fund to be
8 known as the Law Enforcement Body-Worn Camera Fund, hereinafter referred to as
9 the "fund". Interest earned on the investment of monies in the fund shall be
10 deposited in and credited to the fund. Unexpended and unencumbered monies in the
11 fund at the close of each fiscal year shall remain in the fund. Monies in the fund
12 shall be appropriated, administered, and used solely for the purposes of providing
13 law enforcement agencies and officers with body-worn cameras and the development
14 of the guidelines, standards, and training required by Subsection A of this Section.

15 (2) The fund shall be comprised of all monies appropriated, donated, or
16 otherwise made available to provide funding for the purposes set forth in Paragraph
17 (1) of this Subsection. All of such monies required to be deposited in the state
18 treasury in accordance with Article VII, Section 9(A) of the Constitution of
19 Louisiana shall be deposited in the fund after first meeting the requirements of
20 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
21 Security and Redemption Fund.

22 (3) The fund shall be administered by the Louisiana Commission on Law
23 Enforcement and Administration of Criminal Justice.

24 (4) The Louisiana Commission on Law Enforcement and Administration of
25 Criminal Justice shall adopt any regulations or rules, pursuant to the Administrative
26 Procedure Act, necessary to administer the fund and to provide standards,
27 guidelines, and factors for determining the best use and distribution of the funds to
28 law enforcement agencies for the purposes set forth in this Subsection.

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 512 Original

2020 Regular Session

Lyons

Abstract: Creates the La. Law Enforcement Body-Worn Camera Use and Support Platform and provides relative to the information exchanged through the platform and the duties of the La. Commission on Law Enforcement and the Administration of Criminal Justice with regard to the platform.

Proposed law creates within the La. Commission on Law Enforcement and the Administration of Criminal Justice (LCLE), a La. Law Enforcement Body-Worn Camera Use and Support Platform, herein after referred to as the "platform", for the exchange among law enforcement agencies in this state of non-confidential, technical, and procedural information and experiences with respect to body-worn cameras including but not limited to:

- (1) Information, policies, and procedures relative to the equipment and technical functioning of body-worn cameras, including information, policies, and procedures on the proper use, maintenance, and storage of the body-worn cameras.
- (2) Information, policies, and procedures on the use of body-worn cameras while a law enforcement officer is engaged in the performance of his official duties.
- (3) Information, policies, and procedures regarding proper storage, retention, and release of audio and video data recorded by body-worn cameras and the time frame to review the data recorded by body-worn cameras.
- (4) Information, policies, and procedures regarding the law enforcement training on the use of body-worn cameras and training on the agency's policies and procedures with respect to body-worn cameras.

Proposed law prohibits the platform from including any personal identifying information of any offender, victim, law enforcement officer, or any other person involved in any incident, arrest, investigation, or case.

Proposed law provides that LCLE shall be the central depository for all information submitted for entry into the platform by law enforcement agencies and shall have certain functions, powers, and duties with regard to the platform, including the duty to establish the platform and the authority to promulgate rules in accordance with the Administrative Procedure Act and regulations to carry out the functions, powers, and duties set forth in proposed law.

Proposed law requires the Council on Peace Officer Standards and Training to develop and adopt rules, in accordance with the Administrative Procedure Act, to establish guidelines and standards for law enforcement agencies and officers on the use, maintenance, and storage of body-worn cameras and the data recorded by the body-worn cameras. The guidelines and standards shall include all of the following:

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

- (2) Any limitations on the situations in which peace officers are permitted to wear body-worn cameras.
- (3) General guidelines for the proper storage, retention, and release of audio and video data recorded by body-worn cameras.
- (4) General guidelines for law enforcement agencies on the adoption of internal policies and procedures relative to the use, maintenance, and storage of body-worn cameras and the data recorded by the body-worn cameras.

Proposed law requires the Council on Peace Officer Standards and Training to develop a training program for law enforcement agencies and officers on the guidelines and standards adopted pursuant to proposed law.

Proposed law establishes the Law Enforcement Body-Worn Camera Fund, to be administered by LCLE, and provides that monies in the fund shall be appropriated, administered, and used solely for the purposes of providing law enforcement agencies and officers with body-worn cameras and the development of the guidelines, standards, and training required by proposed law.

Proposed law requires LCLE to adopt any regulations or rules, pursuant to the Administrative Procedure Act, necessary to administer the fund and to provide standards, guidelines, and factors for determining the best use and distribution of the funds to law enforcement agencies for the purposes set forth in proposed law.

(Adds R.S. 15:1213 and R.S. 46:2405.1.1)