

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1957

Introduced by Assembly Member Quirk

February 12, 2016

An act to add Section 6254.31 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as amended, Quirk. Public records: body-worn cameras.

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. *Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies.*

~~This bill would state the intent of the Legislature to enact legislation to revise the act so that images captured by body-worn cameras of peace officers depicting use of force or death are released to the public if it is determined that the interest in public disclosure outweighs the need to protect the individual right to privacy.~~ *impose a state-mandated local program by requiring a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn*

camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage.

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: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 6254.31 is added to the Government Code,
2 to read:

3 6254.31. Notwithstanding Section 6254, a state or local law
4 enforcement agency shall make available, upon request pursuant
5 to this chapter, footage from a law enforcement body-worn camera
6 60 days after the commencement of an investigation into
7 misconduct that uses or involves that footage.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district under this act would result from a legislative mandate that
12 is within the scope of paragraph (7) of subdivision (b) of Section
13 3 of Article I of the California Constitution.

14 SECTION 1. ~~It is the intent of the Legislature to enact~~
15 ~~legislation to revise the California Public Records Act (Chapter~~
16 ~~3.5 (commencing with Section 6250) of Division 7 of Title 1 of~~
17 ~~the Government Code) so that images captured by body-worn~~
18 ~~cameras of peace officers depicting use of force or death are~~
19 ~~released to the public if it is determined that the interest in public~~
20 ~~disclosure outweighs the need to protect the individual right to~~
21 ~~privacy.~~