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HOUSE BILL NO. 1534

Offered January 14, 2015

Prefiled January 6, 2015

A BILL to amend the Code of Virginia by adding a section numbered 52-8.7, relating to use of body-worn camera system by the Department of State Police.

Patron—Berg

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 52-8.7 as follows:

§ 52-8.7. Use of body-worn camera system.

A. For purposes of this section, "body-worn camera system" means an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings that may be worn about the person of a law-enforcement officer.

B. The Superintendent of State Police shall implement and operate a body-worn camera system and require all officers who are responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth to be equipped with a body-worn camera system.

C. The Attorney General shall maintain an electronic database of all audiovisual recordings created through the operation of the body-worn camera system. The Department of State Police shall, on a daily basis, transmit all audiovisual recordings created through the operation of the body-worn camera system during the previous 24-hour period to such database and shall purge all recordings remaining in the Department's possession after such transmission.

D. Any audiovisual recordings created through the operation of the body-worn camera system shall only be retained in the database maintained by the Attorney General for 30 days, at which time such recordings shall be purged unless such recording is relevant for the investigation of a crime, in which case such recording may be retained unless the investigation is concluded. Audiovisual recordings retained in the database shall not be disclosed except pursuant to a court order or upon the request of a person who alleges that he has been subject to unlawful conduct committed by a law-enforcement officer or a law-enforcement officer who is alleged to have engaged in unlawful conduct or the employer of such officer.

E. Any law-enforcement agency in the Commonwealth may implement and operate a body-worn camera system. Any agency that implements and operates such a system shall comply with all of the provisions of this section.

F. The Virginia Information Technologies Agency shall develop software for the transmission of audiovisual recordings pursuant to this section, which shall be provided at no cost to the Department of State Police and any other law-enforcement agency that implements and operates a body-worn camera system.

G. Any person who knowingly disseminates any audiovisual recording created through the operation of a body-worn camera system in violation of this section is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1534