

HOUSE BILL 239

E4

01r0835
CF 01r2609

By: **Delegates Moon, W. Fisher, Lehman, and Palakovich Carr**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Police Training and Standards Commission – Body–Worn Camera**
3 **Policy**

4 FOR the purpose of requiring a certain policy developed and published by the Maryland
5 Police Training and Standards Commission to address the use of a body–worn
6 camera by a certain off–duty law enforcement officer under certain circumstances;
7 repealing a certain obsolete reference; and generally relating to law enforcement
8 officers and body–worn cameras.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 3–511
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Public Safety**

17 3–511.

18 [On or before January 1, 2016, the] **THE** Maryland Police Training and Standards
19 Commission shall develop and publish online a policy for the issuance and use of a
20 body–worn camera by a law enforcement officer that addresses:

21 (1) the testing of body–worn cameras to ensure adequate functioning;

22 (2) the procedure for the law enforcement officer to follow if the camera
23 fails to properly operate at the beginning of or during the law enforcement officer’s shift;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (3) when recording is mandatory;
- 2 (4) when recording is prohibited;
- 3 (5) when recording is discretionary;
- 4 (6) when recording may require consent of a subject being recorded;
- 5 (7) when a recording may be ended;
- 6 (8) providing notice of recording;
- 7 (9) access to and confidentiality of recordings;
- 8 (10) the secure storage of data from a body-worn camera;
- 9 (11) review and use of recordings;
- 10 (12) retention of recordings;
- 11 (13) dissemination and release of recordings;
- 12 (14) consequences for violations of the agency's body-worn camera policy;

13 **(15) THE USE OF A BODY-WORN CAMERA BY AN OFF-DUTY LAW**
14 **ENFORCEMENT OFFICER AUTHORIZED OR APPROVED BY A LAW ENFORCEMENT**
15 **AGENCY TO WORK SECONDARY EMPLOYMENT WHO IS:**

16 **(I) IN THE UNIFORM OF THE AGENCY; OR**

17 **(II) IDENTIFIABLE AS A LAW ENFORCEMENT OFFICER;**

18 **[(15)] (16)** notification requirements when another individual becomes a
19 party to the communication following the initial notification;

20 **[(16)] (17)** specific protections for individuals when there is an expectation
21 of privacy in private or public places; and

22 **[(17)] (18)** any additional issues determined to be relevant in the
23 implementation and use of body-worn cameras by law enforcement officers.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.