
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1740 Session of
2017

INTRODUCED BY KINSEY, DEAN, VAZQUEZ, THOMAS, BULLOCK, V. BROWN,
SCHLOSSBERG, MILLARD AND PASHINSKI, AUGUST 24, 2017

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 24, 2017

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, providing for recordings by body-worn
3 cameras.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 44 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 25

9 RECORDINGS BY BODY-WORN CAMERAS

10 Sec.

11 2501. Scope of chapter.

12 2502. Definitions.

13 2503. Policy.

14 2504. Redaction.

15 2505. Public notice.

16 § 2501. Scope of chapter.

17 This chapter applies to a recording by a body-worn camera
18 worn by a law enforcement officer to record the events that

1 occur while the officer is on duty.

2 § 2502. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Law enforcement officer." A law enforcement officer as
7 defined in 18 Pa.C.S. § 5704(16)(iii) (relating to exceptions to
8 prohibition of interception and disclosure of communications).

9 § 2503. Policy.

10 (a) General rule.--A law enforcement agency that employs law
11 enforcement officers who are outfitted with body-worn camera
12 technology shall develop an official policy relating to
13 recordings by body-worn cameras. A policy shall not conflict
14 with Federal law and shall contain the following elements:

15 (1) Information relating to recordings generally,
16 including protocols relating to when a law enforcement
17 officer is permitted to activate or disable a body-worn
18 camera.

19 (2) The retention of recordings.

20 (3) Access to and requests for copies of recordings in
21 accordance with subsections (b) and (c).

22 (4) Deletion and disposal of recordings.

23 (b) Limitations.--A recording by a body-worn camera may not
24 be made available to the public unless the following conditions
25 are met:

26 (1) The request for a recording either:

27 (i) specifically identifies the name of the person
28 or persons involved and the incident or case number; or

29 (ii) provides the specific date, time and location
30 of the incident.

1 (2) One of the following apply:

2 (i) The person requesting the recording is directly
3 involved in the incident recorded. The person must
4 provide a written declaration made under penalty of
5 perjury that he or she does not intend to use the
6 recording to intimidate, threaten, abuse or harass a
7 person whose image or sound is contained in the
8 recording.

9 (ii) The person requesting the recording is an
10 attorney representing:

11 (A) a subject of a recording who is
12 incapacitated or deceased; or

13 (B) the lawful guardian of a minor who is a
14 subject of a recording.

15 (iii) A court finds, by clear and convincing
16 evidence, all of the following:

17 (A) The public interest in the release of the
18 recording significantly outweighs the privacy
19 interests of any person whose image or sound is
20 contained in the recording.

21 (B) The person requesting the recording
22 provided, to the extent practicable, notice of the
23 request to each person whose image or sound is
24 contained in the recording. At a minimum, individual
25 notice must be provided to each person who can be
26 identified through reasonable effort.

27 (C) Each person whose image or sound is
28 contained in the recording was provided reasonable
29 opportunity to obtain an order from the court to
30 enjoin all or some of the intended disclosure. A law

1 enforcement agency must provide information
2 sufficient to enable the giving of notice, where
3 available, if providing the information would not
4 interfere with ongoing investigations.

5 (c) Identifying information.--A law enforcement agency
6 responding to a request for a recording may require the person
7 who requests the recording to identify himself or herself to
8 ensure compliance with subsection (b).

9 § 2504. Redaction.

10 (a) Redaction authorized.--If access to a recording by a
11 body-worn camera is granted to a requester:

12 (1) Information that is exempt from access under section
13 708(b)(16) of the act of February 14, 2008 (P.L.6, No.3),
14 known as the Right-to-Know Law, shall be redacted prior to
15 release.

16 (2) A law enforcement agency may redact or obscure
17 specific portions of the recording which:

18 (i) depict the death of a person or a dead body;

19 (ii) depict nudity;

20 (iii) would identify an individual who is clearly
21 perceived or confirmed to be under 18 years of age;

22 (iv) contain an image or images that are clearly
23 offensive to common sensibilities; or

24 (v) would potentially compromise the right to
25 privacy or the safety of any subject of the recording.

26 (b) Written description.--Upon request of the person
27 requesting the recording, the release of a recording from which
28 an image or images were redacted under subsection (a)(2)(iv)
29 shall be accompanied by a written description of the image or
30 images redacted.

1 § 2505. Public notice.

2 A law enforcement agency shall post its policy under section
3 2503 (relating to policy) on its publicly accessible Internet
4 website.

5 Section 2. This act shall take effect in 180 days.