
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1781 Session of
2021

INTRODUCED BY KINSEY, A. BROWN, KIRKLAND, HILL-EVANS, FRANKEL,
HOHENSTEIN, ISAACSON, SCHLOSSBERG, McNEILL, KINKEAD,
N. NELSON, GUENST, SANCHEZ, WEBSTER, BULLOCK, SCHWEYER,
WARREN, DEASY AND OTTEN, AUGUST 12, 2021

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 12, 2021

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

1 worn by a law enforcement officer to record the events that
2 occur while the law enforcement officer is on duty.

3 § 2502. Definitions.

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

7 "Law enforcement officer." A member of the Pennsylvania
8 State Police or an individual employed as a police officer who
9 holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D
10 (relating to municipal police education and training).

11 § 2503. Policy.

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

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

21 (2) The retention of recordings.

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

24 (4) Deletion and disposal of recordings.

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

28 (1) The request for a recording either:

29 (i) specifically identifies the name of the
30 individual or individuals involved and the incident or

1 case number; or

2 (ii) provides the specific date, time and location
3 of the incident.

4 (2) One of the following apply:

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

12 (ii) The individual requesting the recording is an
13 attorney representing:

14 (A) a subject of a recording who is
15 incapacitated or deceased; or

16 (B) the lawful guardian of a minor who is a
17 subject of a recording.

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

20 (A) The public interest in the release of the
21 recording significantly outweighs the privacy
22 interests of any individual whose image or sound is
23 contained in the recording.

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

30 (C) Each individual whose image or sound is

1 contained in the recording was provided reasonable
2 opportunity to obtain an order from the court to
3 enjoin all or some of the intended disclosure. A law
4 enforcement agency must provide information
5 sufficient to enable the giving of notice, where
6 available, if providing the information would not
7 interfere with ongoing investigations.

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

12 § 2504. Redaction.

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

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

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

21 (i) depict the death of an individual or a dead
22 body;

23 (ii) depict nudity;

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

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

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

30 (b) Written description.--Upon request of the individual

1 requesting the recording, the release of a recording from which
2 an image or images were redacted under subsection (a)(2)(iv)
3 shall be accompanied by a written description of the image or
4 images redacted.

5 § 2505. Public notice.

6 A law enforcement agency shall post the law enforcement
7 agency's policy under section 2503 (relating to policy) on its
8 publicly accessible Internet website.

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