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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 578 Session of  
2023

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INTRODUCED BY KINSEY, A. BROWN, HOHENSTEIN, SANCHEZ, HILL-EVANS,  
STURLA AND OTTEN, MARCH 20, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 20, 2023

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

10 § 2503. Policy.

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

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

20 (2) The retention of recordings.

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

23 (4) Deletion and disposal of recordings.

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

27 (1) The request for a recording either:

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

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

3 (2) One of the following apply:

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

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

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

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

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

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

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

29                   (C) Each individual whose image or sound is  
30 contained in the recording was provided reasonable

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

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

11 § 2504. Redaction.

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

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

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

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

22 (ii) depict nudity;

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

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

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

29 (b) Written description.--Upon request of the individual  
30 requesting the recording, the release of a recording from which

1 an image or images were redacted under subsection (a)(2)(iv)  
2 shall be accompanied by a written description of the image or  
3 images redacted.

4 § 2505. Public notice.

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

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