



HOUSE BILL 797: Changes to Current BWC Law.

2017-2018 General Assembly

Committee:	House Judiciary I	Date:	April 25, 2017
Introduced by:	Reps. Faircloth, McNeill	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition H797-CSTT-20		Legislative Analyst

OVERVIEW: *The PCS for House Bill 797 would amend the law governing the disclosure and release of body-worn camera recordings by law enforcement.*

CURRENT LAW: G.S. 132-1.4A governs recordings¹, and access to recordings. Recordings are not public records and they are not personnel records.

A written request for disclosure² by a person whose image or voice is in the recording, or to a specific list of people who represent the interests of the individual depicted in the recording, is required. If the law enforcement agency denies a request or fails to respond within three business days of the request, a person who is eligible for disclosure may appeal to superior court.

The law permits a limited use of recordings for law enforcement purposes.

G.S. 132-1.4A provides an exception to the open meetings law to allow for for a closed session of a public body in order to view a released recording.

BILL ANALYSIS: The PCS for House Bill 797 would: define "citizen review board", and "deceased person" in context of the disclosure and release by law enforcement of body-worn camera recordings; and increase the number of days before a denial of disclosure can be reviewed in court.

The PCS for House Bill 797 also would authorize the disclosure and release of recordings for the following law enforcement and prosecutorial purposes:

- Agency administration and training.
- Multi-agency investigations.
- To identify and locate a potential criminal suspect.
- For use by a municipal or county manager for administration or management such as police operational review.
- For use by a city or town council, or citizen review board under specific circumstances, in a closed session.

EFFECTIVE DATE: This act is effective when it becomes law.

¹"Recordings" means recordings made for law enforcement purposes, specifically including body-worn camera and dashboard camera recordings.

² "Disclosure" means to make a recording available for viewing.

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