

SUBJECT: Prohibiting law enforcement contracts with reality television shows

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson

2 nays — Schaefer, Tinderholt

WITNESSES: For — Kimberly Ambler-Moore; Eric Schafer; (*Registered, but did not testify*: Chas Moore, Austin Justice Coalition; TJ Patterson, City of Fort Worth; Rudy Metayer, City of Pflugerville; Jennifer Szimanski, CLEAT; Jim Allison, County Judges and Commissioners Association of Texas; Scott Henson, Just Liberty; Susana Carranza, League of Women Voters of Texas; Laura Nodolf, Midland County District Attorney's Office; AJ Louderback, Sheriffs Association of Texas; Maggie Luna, Statewide Leadership Council; Alycia Castillo, Texas Criminal Justice Coalition; Louis Wichers, Texas Gun Sense; Frederick Haynes and Joshua Houston, Texas Impact; Mitch Landry, Texas Municipal Police Association; and 21 individuals)

Against — Dylan Price; (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas; and seven individuals)

On — Linda Nuno

DIGEST: CSHB 54 would prohibit a state or local law enforcement agency from authorizing a person to accompany and film a peace officer acting in the line of duty for the purpose of producing a reality television program. Journalists reporting on a matter of public concern would be exempt from the prohibition under the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 54 would prohibit the filming of law enforcement officers acting in the line of the duty for the purpose of creating a reality television show, which would help protect public safety and prevent unnecessary or inappropriate policing.

A recent event in Texas that involved a peace officer being filmed by a reality television production crew and that resulted in the death of a civilian has heightened concern about the negative impact of on-film policing. Some law enforcement agencies enter into contracts to allow television crews to follow their officers in exchange for money, and these contracts can create a perverse incentive for officers to act more intensely when carrying out their duties in front of a camera than they otherwise would. Studies have shown that violent encounters between citizens and on-duty peace officers increase during the filming of reality television shows. By prohibiting state and local law enforcement agencies from authorizing reality television crews to accompany and film officers on duty, CSHB 54 could help prevent dangerous car chases and overzealous law enforcement that can occur when officers are filmed by a camera crew.

The bill would not interfere with the constitutional right of journalists to report on or film police actions and would not prevent television news or documentary film crews from recording on-duty officers. CSHB 54 explicitly does not apply to journalists reporting on a matter of public concern and is narrowly targeted to only prohibit law enforcement agencies from partnering with reality television programs. The bill would not prohibit transparency and accountability measures but would help restore the public's trust in law enforcement by removing the possibility that an officer's actions were meant for television, not public safety.

**CRITICS
SAY:**

CSHB 54 could infringe on constitutional rights of freedom of the press and of speech and could have a chilling effect on certain law enforcement transparency and accountability measures.

The bill's prohibition on law enforcement agencies authorizing officers to

be accompanied by reality television program could result in restrictions on content-based speech. It is sometimes difficult to determine whether content is meant to inform or entertain, and some types of film programming, such as documentary film, do both. Drawing the line between reality television, documentary programming, and certain journalistic activities could be difficult under the bill's provisions, potentially causing a chilling effect beyond the bill's intent. CSHB 54 also could limit film and television production in Texas.

CSHB 54 also could reduce law enforcement accountability by limiting the filming of on-duty officers. Just as police body cameras can serve as a check on police behavior, camera crews may provide accountability and transparency for law enforcement. The filming of one tragic incident by a television crew should not result in a blanket prohibition on filming peace officers.