

BILL ANALYSIS

Senate Research Center
87R22314 JCG-D

H.B. 929
By: Sherman, Sr. et al. (West)
Jurisprudence
5/21/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The approval of S.B. 158 by the legislature in 2015 established comprehensive statewide policy on the use of body worn cameras by law enforcement. Of the critical issues associated with the use of body worn cameras are considerations as to when and under what conditions an officer's camera should be activated and when it can be deactivated. H.B. 929 amends existing Occupations Code, Chapter 1701, Subchapter N, to provide additional guidance regarding when an officer's body worn camera must be activated and when it should be deactivated.

Occupations Code, Section 1701.655 (a)-(b)(1), establishes that a law enforcement agency that operates a body worn camera program must adopt a policy regarding the camera's use. The policy must include guidelines regarding when an officer's camera should be activated and when, considering circumstances, a recording can be discontinued.

Occupations Code, Section 1701.657(a)-(d), contains additional provisions regarding when a body worn camera can be activated and when a recording can be discontinued. The section also requires an officer to include in the officer's report the reason why a camera was not activated or why a recording was discontinued.

H.B. 929 amends Occupations Code, Section 1701.655, to identify video and audio recorded by a body worn camera as evidence and require the camera worn by an officer who is actively involved in an investigation to remain activated for the entirety of the investigation consistent with the agency's policy.

H.B. 929 amends current law relating to law enforcement policies and procedures regarding body worn cameras.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the "Botham Jean Act."

SECTION 2. Amends Section 1701.655, Occupations Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Requires that a policy described by Subsection (a) (relating to the requirement that a law enforcement agency that receives a certain grant to provide body worn cameras to its peace officers adopt a policy for the use of body worn cameras) ensure that a body worn camera is activated only for a law enforcement purpose and is required to include certain provisions, including provisions relating to the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence. Makes nonsubstantive changes.

(c-1) Requires that a policy described by Subsection (a) require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep

the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

SECTION 3. Amends Section 1701.657(b), Occupations Code, as follows:

(b) Authorizes a peace officer equipped with a body worn camera to choose not to activate a camera or to choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation, rather than to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

SECTION 4. Effective date: September 1, 2021.