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BILL



ANALYSIS

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House Bill 4427 (Substitute H-1 as reported without amendment)
Sponsor: Representative Jim Runestad
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would create the "Law Enforcement Body-Worn Camera Privacy Act" to do the following:

- Specify that disclosure of an audio or video recording recorded by a body-worn camera would be subject to protections provided to crime victims under the Crime Victim's Rights Act.
- Specify that a recording recorded in a private place by a law enforcement officer with a body-worn camera would be exempt from disclosure under the Freedom of Information Act (FOIA), except under certain circumstances.
- Allow certain individuals to request a copy of a recording, except for a recording that was exempt from FOIA or disclosed the personally identifiable information of a victim, recorded by a law enforcement officer with a body-worn camera in a private place.
- Specify that a body-worn camera recording that a law enforcement agency retained in connection with an ongoing criminal or internal investigation would be exempt from disclosure under FOIA.
- Prescribe minimum retention periods for recordings under various circumstances.
- Allow an agency to charge a fee for a copy of a body-worn camera recording.
- Require a law enforcement agency that used body-worn cameras to develop a written policy regarding the use of the cameras by its officers.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a fiscal impact of varying degrees on law enforcement agencies that adopt or have adopted the use of body-worn cameras for their officers. For agencies that already use body cameras, these costs would depend upon the difference between a law enforcement agency's existing policies and practices and those required under the bill. The Michigan Association of Chiefs of Police estimates that less than 10% of the State's 587 law enforcement agencies use body-worn cameras, and it is reasonable to assume that a certain number of those agencies whose policies and practices closely mirror those required under the bill, would incur no additional costs.

Potential costs to some agencies could result from the purchase of additional storage capacity for recordings and the possible required updating of management systems needed to conform to the storage time frames required. The costs of the requirement that agencies provide copies of body camera recordings in certain instances could be covered by the provision in the bill that would allow an agency to charge a fee for such a service.

Date Completed: 6-1-17

Fiscal Analyst: Bruce Baker

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Bill Analysis @ www.senate.michigan.gov/sfa

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