

House Bill 1185

By: Representatives Allen of the 40<sup>th</sup>, Williams of the 37<sup>th</sup>, Robichaux of the 48<sup>th</sup>, Kendrick of the 93<sup>rd</sup>, Kennard of the 102<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to law enforcement officers and agencies, so as to provide for  
3 definitions; to require establishment of guidelines for use of body cameras by peace officers;  
4 to require that certain peace officers be equipped with body cameras for recording audio and  
5 video of all activities performed while on duty; to provide for exceptions to recording  
6 requirement; to allow for public disclosure of such recordings and exceptions; to provide for  
7 a rebuttable presumption of misconduct in certain instances; to amend Chapter 18 of Title  
8 50 of the Official Code of Georgia Annotated, relating to state printing and documents, so  
9 as to provide for the release of certain audio and video recordings from peace officer body  
10 cameras; to prohibit the alteration of body camera recordings; to provide for an effective  
11 date; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
15 provisions relative to law enforcement officers and agencies, is amended by adding a new  
16 Code section to read as follows:

17 "35-1-23.

18 (a) As used in this Code section, the term:

19 (1) 'Body camera' means a wearable device designed to be attached to the body of an  
20 individual and which is capable of documenting and recording activities from the point  
21 of view in front of or in the line of sight of the individual wearing such device.

22 (2) 'Peace officer' shall have the same meaning as provided for in paragraph (8) of Code  
23 Section 35-8-2.

24 (b) The Georgia Peace Officer Standards and Training Council and the Georgia Public  
25 Safety Training Center shall establish guidelines for the use of body cameras by peace  
26 officers, which shall include:

- 27 (1) Minimum technical standards and performance specifications for body camera  
28 equipment;
- 29 (2) Standards and training for the secure retention of data and any recordings obtained  
30 from a body camera in accordance with Code Section 50-18-96; and
- 31 (3) Training on proper use of a body camera in accordance with this Code section.
- 32 (c)(1) On and after July 1, 2021, each state, county, and local law enforcement agency  
33 shall equip all peace officers who conduct traffic stops or respond to emergency dispatch  
34 calls as their primary duty with a body camera meeting the standards set forth by the  
35 Georgia Peace Officer Standards and Training Council and the Georgia Public Safety  
36 Training Center. Such body cameras shall, before being placed in service and weekly  
37 thereafter, be inspected by the assigned peace officer to ensure proper functioning and  
38 that the body camera is free of damage. A peace officer shall activate a body camera to  
39 record audio and video of all activities while on duty, except those instances set forth in  
40 paragraph (2) of this subsection.
- 41 (2) A body camera shall not be activated to record:
- 42 (A) Communications between the peace officer wearing the body camera and law  
43 enforcement agency personnel;
- 44 (B) During an encounter with an undercover operative or confidential informant;
- 45 (C) During a time when a peace officer is conducting personal business;
- 46 (D) When a peace officer is undergoing a medical or psychological examination; or
- 47 (E) While in a mental or medical health facility unless such recording is of a suspect  
48 to criminal or unlawful activity.
- 49 (3) Any law enforcement agency which fails to comply with the requirements of  
50 paragraph (1) of this subsection shall be subject to the withholding of state funding or  
51 state administered federal funding or both.
- 52 (4) Notwithstanding paragraph (4) of subsection (a) of Code Section 50-18-72, the audio  
53 and video recordings provided for in this subsection shall be available for public  
54 disclosure; provided, however, that any recording, images, or audio relating to a victim  
55 of domestic violence or sexual assault, a victim of homicide or suicide, or a deceased  
56 victim of an accident shall not be subject to disclosure or release under Article 4 of  
57 Chapter 18 of Title 50 when such disclosure would be an invasion of personal privacy.  
58 Such recording, images, or audio shall be subject to disclosure only upon the order of a  
59 court of competent jurisdiction.
- 60 (d) Any loss, damage, or operational malfunctioning of a body camera shall be reported  
61 by a peace officer assigned such device to his or her supervisor within 24 hours of such  
62 occurrence.

63 (e) If a recording demonstrates that a peace officer manually stopped recording of a body  
 64 camera while engaged in activity required to be recorded by this Code section, there shall  
 65 be a rebuttable presumption that a peace officer whose actions would have been recorded  
 66 engaged in misconduct."

67 **SECTION 2.**

68 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing  
 69 and documents, is amended by revising paragraph (4) of subsection (a) of Code Section  
 70 50-18-72, relating to when public disclosure is not required, as follows:

71 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending  
 72 investigation or prosecution of criminal or unlawful activity, other than initial police  
 73 arrest reports and initial incident reports; provided, however, that an investigation or  
 74 prosecution shall no longer be deemed to be pending when all direct litigation involving  
 75 such investigation and prosecution has become final or otherwise terminated; and  
 76 provided, further, that this paragraph shall not apply to records in the possession of an  
 77 agency that is the subject of the pending investigation or prosecution; and provided,  
 78 further, that the release of booking photographs shall only be permissible in accordance  
 79 with Code Section 35-1-18; and provided, further, that the release of audio and video  
 80 recordings from body cameras attached to peace officers as provided in subsection (c) of  
 81 Code Section 35-1-23 shall only be permissible in accordance with Code Section  
 82 35-1-23;"

83 **SECTION 3.**

84 Said chapter is further amended by revising subsection (f) of Code Section 50-18-96, relating  
 85 to retention of video recordings from law enforcement sources, destruction, presumption  
 86 from destruction, and fee for duplication, as follows:

87 ~~"(f) A governing body or law enforcement officer shall not have a duty to redact or obscure~~  
 88 ~~people, objects, or information that appear in a video recording from any law enforcement~~  
 89 ~~body-worn device or device located on or inside of a law enforcement vehicle, nor shall~~  
 90 ~~such body or officer have any civil liability for such depiction. A governing body or law~~  
 91 ~~enforcement officer shall not alter or otherwise amend any video recording from its original~~  
 92 ~~form."~~

93 **SECTION 4.**

94 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 95 without such approval.

96

**SECTION 5.**

97 All laws and parts of laws in conflict with this Act are repealed.