

House Bill 325

By: Representatives Miller of the 62nd, Holcomb of the 81st, and Neal of the 79th

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; to provide for exceptions to
7 such disclosure; to prohibit the interference with required recordings by a peace officer; to
8 provide for a penalty; to amend Chapter 18 of Title 50 of the Official Code of Georgia
9 Annotated, relating to state printing and documents, so as to provide for the release of certain
10 audio and video recordings from peace officer body cameras; to prohibit the alteration of
11 body camera recordings; to provide for short title; to provide for related matters; to provide
12 for an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14

15 This Act shall be known and may be cited as the "Transparency in Policing Act."

SECTION 2.

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

20 "35-1-24.

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

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

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

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

29 (1) Minimum technical standards and performance specifications for body camera
30 equipment;

31 (2) Standards and training for the secure retention of data and any recordings obtained
32 from a body camera in accordance with Code Section 50-18-96; and

33 (3) Training on proper use of a body camera in accordance with this Code section.

34 (c)(1) On and after July 1, 2025, each state, county, and local law enforcement agency
35 shall equip all uniformed peace officers with a body camera meeting the standards set
36 forth by the Georgia Peace Officer Standards and Training Council and the Georgia
37 Public Safety Training Center.

38 (2) Any law enforcement agency which fails to comply with the requirements of
39 paragraph (1) of this subsection shall be subject to the withholding of state funding or
40 state administered federal funding or both.

41 (d)(1) Any peace officer wearing a body camera shall ensure that such camera is
42 properly functioning and free from damage through performance of weekly inspections.
43 A peace officer shall activate a body camera to record audio and video of all activities
44 while on duty, except those instances set forth in paragraph (2) of this subsection.

45 (2) A body camera shall not be activated to record:

46 (A) Communications between the peace officer wearing the body camera and law
47 enforcement agency personnel;

48 (B) During an encounter with an undercover operative or confidential informant;

49 (C) During a time when a peace officer is conducting personal business;

50 (D) When a peace officer is undergoing a medical or psychological examination; or

51 (E) While in a mental or medical health facility unless such recording is of a suspect
52 to criminal or unlawful activity.

53 (3) Any peace officer who knowingly commits an act that interferes with the recording
54 required by this Code section with the specific intent to cause such interference shall be
55 guilty of a misdemeanor.

56 (4)(A) Notwithstanding Code Section 50-18-72 to the contrary and except as otherwise
57 provided in subparagraph (C) of this paragraph, the audio and video recordings
58 provided for in this subsection shall be available for public disclosure in accordance
59 with Article 4 of Chapter 18 of Title 50 upon request to the governing body charged
60 with retention of such recordings pursuant to Code Section 50-18-96.

61 (B) Any audio or video recording which shows a deceased individual shall be made
62 available to the parent, guardian, living spouse, or next of kin of the deceased no later
63 than 24 hours after such recording was made and regardless of any pending
64 investigation or prosecution of criminal or unlawful activity, provided that such parent,

65 guardian, living spouse, or next of kin is not a person of interest nor has been charged
66 in the incident which caused the death.

67 (C) Audio and video recordings relating to a victim of domestic violence or sexual
68 assault, a victim of homicide or suicide, or a deceased victim of an accident shall not
69 be subject to public disclosure or release under Article 4 of Chapter 18 of Title 50 to
70 any persons otherwise not qualified pursuant to subparagraph (B) of this paragraph
71 when such disclosure would be an invasion of personal privacy. Such audio and video
72 recordings shall be subject to public disclosure only upon the order of a court of
73 competent jurisdiction.

74 (e) Any loss, damage, or operational malfunctioning of a body camera shall be reported
75 by a peace officer assigned such device to his or her supervisor within 24 hours of such
76 occurrence."

77 **SECTION 3.**

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

81 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending
82 investigation or prosecution of criminal or unlawful activity, other than initial police
83 arrest reports and initial incident reports; provided, however, that an investigation or
84 prosecution shall no longer be deemed to be pending when all direct litigation involving
85 such investigation and prosecution has become final or otherwise terminated; and
86 provided, further, that this paragraph shall not apply to records in the possession of an
87 agency that is the subject of the pending investigation or prosecution; and provided,
88 further, that the release of booking photographs shall only be permissible in accordance
89 with Code Section 35-1-19; and provided, further, that the release of audio and video
90 recordings from body cameras attached to peace officers as provided in subsection (d) of

91 Code Section 35-1-24 shall only be permissible in accordance with Code
92 Section 35-1-24;"

93 **SECTION 4.**

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

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

103 **SECTION 5.**

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

106 **SECTION 6.**

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