

HOUSE BILL No. 1284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-2.5.

Synopsis: Police dashboard and body cameras. Requires local law enforcement agencies and certain state law enforcement agencies, not later than July 1, 2022, to provide, maintain, and use body cameras and onboard recorders (dashboard cameras). Requires the law enforcement training board (board) to adopt rules not later than July 1, 2022, governing the use and maintenance of body cameras and onboard recorders by local law enforcement agencies and certain state law enforcement agencies. Allows the board to adopt emergency rules regarding body cameras and onboard recorders.

Effective: July 1, 2021.

Harris

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1284

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-2.5 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2021]:
 4 **Chapter 2.5. Body Cameras and Onboard Recorders**
 5 **Sec. 1. As used in this chapter, "board" means the law**
 6 **enforcement training board created by IC 5-2-1-3.**
 7 **Sec. 2. As used in this chapter, "body camera" means a camera**
 8 **or other device that is:**
 9 **(1) provided to a law enforcement officer for use within the**
 10 **scope of the officer's duties; and**
 11 **(2) designed to be worn by a law enforcement officer.**
 12 **Sec. 3. As used in this chapter, "law enforcement activity" has**
 13 **the meaning set forth in IC 5-14-3-2(j).**
 14 **Sec. 4. As used in this chapter, "law enforcement agency" means**
 15 **the following:**
 16 **(1) A city or town police department.**
 17 **(2) A sheriff's department.**



1 (3) The state police department.

2 (4) The conservation officers of the department of natural
3 resources.

4 (5) The state excise police of the alcohol and tobacco
5 commission.

6 **Sec. 5.** As used in this chapter, "law enforcement officer"
7 means an appointed officer or employee of a law enforcement
8 agency who is granted lawful authority to enforce all or some of
9 the penal laws of the state of Indiana and who possesses, with
10 respect to those laws, the power to effect arrests for offenses
11 committed in the officer's or employee's presence.

12 **Sec. 6.** As used in this chapter, "law enforcement recording" has
13 the meaning set forth in IC 5-14-3-2(k).

14 **Sec. 7.** As used in this chapter, "onboard recorder" means a
15 camera or other device that, when activated, makes a visual or
16 audiovisual law enforcement recording that is:

17 (1) provided to a law enforcement officer for use within the
18 scope of the officer's duties; and

19 (2) designed to be attached to the vehicle or transportation of
20 a law enforcement officer.

21 **Sec. 8.** As used in this chapter, "police vehicle" means a vehicle
22 (as defined in IC 9-13-2-196) that is used by a law enforcement
23 officer in the performance of law enforcement activity. The term
24 does not include a bicycle, boat, assistive mobility device, or
25 watercraft.

26 **Sec. 9.** As used in this chapter, "unit" means a county, city, or
27 town.

28 **Sec. 10.** Not later than July 1, 2022, the state and each unit shall:

29 (1) install, maintain, and require the use of onboard recorders
30 in each police vehicle of a law enforcement agency of the state
31 or a unit; and

32 (2) provide, maintain, and require the use of body cameras by
33 law enforcement officers of a law enforcement agency of the
34 state or a unit;

35 in accordance with this chapter.

36 **Sec. 11.** After June 30, 2022, a law enforcement agency of the
37 state and each unit shall comply with the rules adopted by the
38 board under section 12 of this chapter.

39 **Sec. 12.** (a) Not later than July 1, 2022, the board shall adopt
40 rules governing a law enforcement agency's use and maintenance
41 of body cameras and onboard recorders.

42 (b) The rules adopted by the board are subject to the following:



- 1 **(1) Subject to subdivisions (2), (3), and (4), the rules must**
 2 **describe the circumstances in which a law enforcement officer**
 3 **is required or allowed to activate a body camera or onboard**
 4 **recorder.**
- 5 **(2) The rules must describe the circumstances in which a law**
 6 **enforcement officer is required to obtain recorded or written**
 7 **consent from an individual before recording an interview on**
 8 **a body camera or onboard recorder.**
- 9 **(3) The rules may not require a law enforcement officer to**
 10 **activate a body camera or onboard recorder for:**
- 11 **(A) the entire period of the law enforcement officer's shift;**
 12 **or**
- 13 **(B) an activity that is not a law enforcement activity.**
- 14 **(4) The rules must describe the circumstances in which a law**
 15 **enforcement officer may:**
- 16 **(A) deactivate a body camera or onboard recorder;**
 17 **(B) mute or activate only the audio while recording; or**
 18 **(C) stop a recording in progress.**
- 19 **The rules may allow a law enforcement officer to take any of**
 20 **the actions in clause (A), (B), or (C) because of privacy**
 21 **concerns in a nonconfrontational encounter with a victim,**
 22 **witness, or other person, including interviewing a person**
 23 **providing criminal intelligence information.**
- 24 **(5) The rules must require a law enforcement officer who does**
 25 **not activate a body camera or onboard recorder:**
- 26 **(A) in response to a call for assistance; or**
 27 **(B) in any other situation in which the rules require**
 28 **activation;**
- 29 **to document in the officer's incident report or other record**
 30 **the reason for not activating the camera or recorder.**
- 31 **(6) The rules may include provisions relating to storage of**
 32 **video and audio consistent with IC 5-14-3-5.3, creation of**
 33 **backup video and audio, and maintenance of data security.**
- 34 **(7) The rules must include provisions directed toward**
 35 **preventing tampering with, deleting, and unauthorized**
 36 **copying of law enforcement recordings.**
- 37 **(8) The rules must include provisions regarding how law**
 38 **enforcement agencies handle and document malfunctioning**
 39 **body cameras and onboard recorders and interrupted or**
 40 **missing recordings.**
- 41 **Sec. 13. A law enforcement officer who is on duty:**
- 42 **(1) may not use a privately owned body camera or onboard**



1 recorder; and
2 (2) may only use the body camera or onboard recorder
3 provided by the law enforcement agency.
4 **Sec. 14. The board may adopt emergency rules in the manner**
5 **provided under IC 4-22-2-37.1 to implement this chapter.**

