

114TH CONGRESS
1ST SESSION

H. CON. RES. 41

Expressing the sense of Congress that the people of the United States have the Constitutional right to record law enforcement authorities, and they have the full protection of the law to the possession of the recording devices, and full protection of the law regarding data saved on the recording devices.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Ms. HAHN (for herself, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. LEE, Mr. ELLISON, Mr. NADLER, Mr. DESAULNIER, Mr. TED LIEU of California, Mrs. DAVIS of California, Mr. COOPER, Mr. LOEBSACK, Ms. LOFGREN, Mr. AGUILAR, Mr. VEASEY, Mr. GALLEGO, Mr. KILDEE, Mr. POLIS, Ms. PINGREE, Mr. LEWIS, Ms. CASTOR of Florida, Mr. DEUTCH, Mr. McDERMOTT, and Mr. FARR) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that the people of the United States have the Constitutional right to record law enforcement authorities, and they have the full protection of the law to the possession of the recording devices, and full protection of the law regarding data saved on the recording devices.

Whereas, on April 19, 2015, Beatriz Paez was recording Federal law enforcement officers, when the officers took pos-

session of her cellular phone, and illegally destroyed the device and evidence saved on the device;

Whereas the Constitution guarantees an individual’s right to openly make video recordings in public;

Whereas the Justice Department has stated that “the First Amendment protects the rights of private citizens to record police officers during the public discharge of their duties”;

Whereas individuals can only be compelled to not record law enforcement authorities when it interferes with ongoing, active law enforcement work; and

Whereas law enforcement officers may only search a recording device without an individual’s consent with the possession of an appropriate warrant: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) citizens and residents of the United
4 States—

5 (A) have the Constitutional right to record
6 law enforcement officers in a public place; and

7 (B) shall be required to give up possession
8 of a recording device used to record a law en-
9 forcement officer in a public place based only
10 upon consent of the individual or a warrant
11 based on probable cause;

12 (2) law enforcement officers shall safeguard
13 data stored on any recording device seized from an

1 individual and the destruction of such data is a vio-
2 lation of Federal law; and

3 (3) no data stored on a recording device seized
4 from an individual may be received in evidence in
5 any trial, hearing, or other proceeding unless col-
6 lected pursuant to a warrant based on probable
7 cause or an exception to the warrant requirement
8 applies.

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