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HOUSE BILL NO. 1613

Offered January 11, 2017

Prefiled January 3, 2017

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.5, relating to testimony of law-enforcement officer; failure of body-worn camera.*

Patron—Marshall, R.G.

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 16 of Title 19.2 a section numbered 19.2-271.5 as follows:

§ 19.2-271.5. Testimony of law-enforcement officer; failure of body-worn camera.

A. For purposes of this section, "body-worn camera" means an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings, that is worn about the person of a law-enforcement officer.

B. The failure of a law-enforcement officer who is required by the law-enforcement agency employing such officer to wear a body-worn camera during the performance of his duties to cause an audiovisual recording to be made, regardless of the reason for the failure, shall not affect the admissibility of the law-enforcement officer's testimony regarding any occurrence that would have otherwise been recorded by the body-worn camera but for the law-enforcement officer's failure, but the court shall instruct the jury that the law-enforcement officer's failure to cause such a recording be made shall be considered in determining the weight given to such testimony or, if the court is trying the case without a jury, shall consider such failure in determining the weight given to such testimony.

INTRODUCED

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