

2020 SPECIAL SESSION I

INTRODUCED

20200063D

HOUSE BILL NO. 5135

Offered August 25, 2020

A *BILL to amend and reenact § 15.2-1723.1 of the Code of Virginia, relating to law-enforcement agencies; body-worn camera systems.*

Patrons—Bell, Cole, M.L., Cox, Coyner, Edmunds, Fowler, Gilbert, Leftwich, Marshall, Poindexter and Runion

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1723.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1723.1. Body-worn camera system.

A. For purposes of this section, "body-worn camera system" 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 may be worn about the person.

B. ~~No law-enforcement agency having jurisdiction over criminal law enforcement or regulatory violations shall purchase or deploy a body-worn camera system unless such agency has adopted and established~~ All law-enforcement agencies having jurisdiction over criminal law enforcement or regulatory violations shall implement and operate a body-worn camera system and require all officers who are responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth to be equipped with a body-worn camera system.

C. Prior to implementation and operation of a body-worn camera system, law-enforcement agencies shall establish and adopt a written policy for the operation of a such body-worn camera system. Such policy shall follow identified best practices and be consistent with Virginia law and regulations, using as guidance the model policy established by the Department of Criminal Justice Services. Such policy shall require officers equipped with a body-worn camera system to activate such system during every law-enforcement-related encounter with the public, call for service, investigative or pedestrian stop, motor vehicle stop, and any other law-enforcement-related action or service, provided that such activation does not interfere with officer safety or the safety of others. Such policy shall also require officers equipped with a body-worn camera system to activate such system for tactical activities such as searches of buildings and motor vehicles, searches for suspects and missing persons, seizing and processing of evidence, and building checks when security alarms are triggered. Prior to the adoption of a written policy for the operation of a body-worn camera system, the agency shall make the policy available for public comment and review.

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