

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0713.02 Alison Beasley x2583

HOUSE BILL 26-008

SENATE SPONSORSHIP

Brinkerhoff

HOUSE SPONSORSHIP

Bowman, Floyd, Kelly, Kessel

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING THE USE OF BODY-WORN CAMERAS FOR PUBLIC SERVANTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill requires certain public servants who regularly interact with members of the public while performing official duties to utilize body-worn cameras and establishes statewide standards governing their use. The bill is intended to increase transparency, improve accountability, and provide clear documentation of public interactions while balancing individual privacy rights and operational needs of government agencies.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

The legislation requires state and local agencies to provide body-worn cameras to public-facing employees, including law enforcement and other public safety personnel, and to adopt policies consistent with statewide requirements for activation, recording, storage, and disclosure of footage. Cameras must generally be activated during enforcement actions, investigative encounters, use of force incidents, and other official interactions where documentation is necessary.

The bill also establishes privacy protections by limiting recording in sensitive locations or situations and allowing temporary deactivation when privacy concerns outweigh enforcement needs. Recordings are subject to public records laws, with allowances for redaction or withholding where disclosure would violate privacy, interfere with investigations, or endanger individuals.

Additionally, the bill requires agencies to adopt disciplinary standards for intentional misuse or failure to activate body-worn cameras and authorizes rulemaking by the Department of Public Safety to ensure consistent statewide implementation.

1 ***Be it enacted by the General Assembly of the State of San***
2 ***Andreas:***
3 **SECTION 1. SHORT TITLE.** This Act shall be known and may
4 be cited as the “Public Servant Transparency Act.” **SECTION 2.**
5 **LEGISLATIVE DECLARATION.** The General Assembly hereby
6 finds and declares that: (a) Public trust in government institutions
7 depends upon transparency, accountability, and professional
8 conduct by public servants. (b) Body-worn cameras have been
9 shown to improve documentation of public interactions, reduce
10 disputes regarding official conduct, and increase confidence in
11 government operations. (c) The use of body-worn cameras must
12 be balanced with the privacy rights of residents and the
13 operational needs of public agencies. (d) Clear and uniform
14 standards governing the activation, use, retention, and disclosure
15 of body-worn camera recordings are necessary to ensure
16 consistency and protect both the public and public servants. (e) It

1 is the intent of the General Assembly to require body-worn
2 cameras for certain public-facing government employees while
3 establishing reasonable limitations and safeguards regarding their
4 use. **SECTION 3. DEFINITIONS.** For purposes of this Act,
5 unless the context otherwise requires: (a) “Body-worn camera” or
6 “BWC” means an audio and video recording device worn on a
7 person’s body that records interactions with members of the
8 public. (b) “Public servant” means any employee or official of a
9 state or local government agency who regularly interacts with
10 members of the public in an official capacity, including but not
11 limited to law enforcement officers, code enforcement officers,
12 probation officers, and public safety personnel. (c) “Public
13 interaction” means any encounter between a public servant and a
14 member of the public occurring while the public servant is
15 performing official duties. (d) “Recording” means any audio or
16 video captured by a body-worn camera. **SECTION 4.**
17 **REQUIREMENT FOR BODY-WORN CAMERAS.** (a) All state
18 and local government agencies employing public servants who
19 regularly engage in public interactions shall provide body-worn
20 cameras to those employees. (b) Public servants required to wear
21 body-worn cameras shall wear and maintain the device in an
22 operational condition while performing official duties involving
23 public interaction. (c) Agencies shall develop written policies
24 consistent with this Act governing issuance, maintenance, and
25 training related to body-worn cameras. **SECTION 4.5. STATE**
26 **ASSISTANCE.** (a) Subject to appropriation, the Department of
27 Public Safety shall establish a grant program to assist local
28 governments and smaller agencies in acquiring, maintaining, and
29 securely storing body-worn camera systems required under this
30 Act. (b) Priority shall be given to rural jurisdictions and agencies
31 with limited fiscal capacity. **SECTION 5. ACTIVATION**
32 **REQUIREMENTS.** (a) A body-worn camera shall be activated
33 during: (I) Enforcement actions or investigative encounters; (II)

1 Detentions, searches, or arrests; (III) Execution of warrants; (IV)
2 Use of force incidents; and (V) Any interaction that becomes
3 adversarial or enforcement-related. (b) A public servant shall
4 notify individuals that recording is occurring when reasonably
5 practicable, except when doing so would be unsafe or impractical.
6 (c) A body-worn camera shall not be intentionally deactivated
7 during an active enforcement or investigative interaction unless:
8 (I) The interaction has concluded; or (II) Privacy considerations
9 require temporary deactivation as provided in Section 6. (d) A
10 body-worn camera required under this Act shall be activated at
11 the initiation of any public interaction reasonably anticipated to
12 involve enforcement, investigation, or official action and shall
13 remain activated until the interaction has fully concluded. A
14 public servant shall not intentionally delay activation once such
15 interaction has begun. (e) A body-worn camera shall be activated
16 prior to and during any anticipated use of force and shall remain
17 activated following the incident until the scene has stabilized and
18 supervisory personnel have assumed control. **SECTION 6.**
19 **PRIVACY PROTECTIONS.** (a) Recording shall be prohibited in
20 the following circumstances unless required for enforcement
21 purposes: (I) Inside private residences where no enforcement
22 action is occurring; (II) During conversations involving
23 confidential informants; (III) During discussions involving
24 medical, legal, or educational confidentiality; (IV) In restrooms or
25 changing facilities. (b) Individuals may request that recording
26 cease in sensitive situations, and the public servant may deactivate
27 the camera when doing so does not compromise safety or
28 enforcement duties. (c) Deactivation based upon privacy
29 considerations shall be verbally documented on the recording
30 prior to deactivation whenever practicable and shall include the
31 reason for cessation of recording. **SECTION 7. DATA**
32 **RETENTION AND STORAGE.** (a) Recordings not associated
33 with an investigation, complaint, or enforcement action shall be

1 retained for a minimum of one hundred eighty days. (b)
2 Recordings associated with investigations, use of force incidents,
3 complaints, or legal proceedings shall be retained in accordance
4 with evidence retention laws. (c) Agencies shall ensure secure
5 storage and protection against unauthorized access or alteration.
6 (d) No recording captured pursuant to this Act shall be altered,
7 edited, deleted, or otherwise modified except pursuant to a lawful
8 retention schedule or court order. Any redaction performed for
9 disclosure purposes shall preserve the original recording in its
10 unaltered form. **SECTION 8. PUBLIC ACCESS AND**
11 **DISCLOSURE.** (a) Recordings shall be subject to public records
12 laws, except where disclosure would: (I) Violate personal privacy;
13 (II) Interfere with an active investigation; (III) Reveal confidential
14 or protected information; or (IV) Endanger the safety of an
15 individual. (b) Agencies may redact recordings to protect privacy
16 interests prior to release. (c) Recordings involving use of force
17 resulting in serious bodily injury or death shall be released to the
18 public within twenty-one days unless a court finds that release
19 would substantially interfere with an active criminal investigation.
20 Any delay authorized under this subsection shall be narrowly
21 tailored and reviewed every fourteen days. **SECTION 9.**
22 **COMPLIANCE AND DISCIPLINE.** (a) Agencies shall establish
23 disciplinary policies for intentional failure to activate or
24 unauthorized deactivation of a body-worn camera. (b) Repeated or
25 intentional violations may be considered misconduct. (c) In any
26 administrative, civil, or criminal proceeding, intentional failure to
27 activate or unauthorized deactivation of a required body-worn
28 camera shall create a rebuttable presumption that the missing
29 recording would have been unfavorable to the position of the
30 employing agency or public servant. (d) A public servant involved
31 in a use of force incident resulting in death or serious bodily
32 injury shall not review body-worn camera footage prior to
33 providing an initial statement, except as required by collective

1 bargaining agreement or court order. **SECTION 10.**
2 **RULEMAKING AUTHORITY.** The Department of Public Safety
3 may promulgate rules necessary to implement this Act.
4 **SECTION 11. EFFECTIVE DATE.** This Act shall take effect
5 after the 90-day period after final adjournment of the
6 Seventy-Seventh general assembly.