

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

REENGROSSED

LLS NO. 26-0713.03 Alison Beasley x2583

HOUSE BILL 26-008

SENATE SPONSORSHIP

Zokaie

HOUSE SPONSORSHIP

Bowman, Floyd, Kelly, Kessel

House Committees

Public Safety & Homeland Security

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 engages in law
10 enforcement, regulatory enforcement, public safety response, or
11 investigative duties involving direct contact with members of the
12 public, including but not limited to law enforcement officers,
13 probation officers, code enforcement officers, and public safety
14 personnel. (c) “Public interaction” means any encounter between
15 a public servant and a member of the public occurring while the
16 public servant is performing official duties. (d) “Recording”
17 means any audio or video captured by a body-worn camera.
18 **SECTION 4. REQUIREMENT FOR BODY-WORN**
19 **CAMERAS.** (a) All state and local government agencies
20 employing public servants who regularly engage in public
21 interactions shall provide body-worn cameras to those employees.
22 (b) Public servants required to wear body-worn cameras shall
23 wear and maintain the device in an operational condition while
24 performing official duties involving public interaction. (c)
25 Agencies shall develop written policies consistent with this Act
26 governing issuance, maintenance, and training related to
27 body-worn cameras. (d) Agencies subject to this Act shall ensure
28 that all personnel required to wear body-worn cameras receive
29 training regarding proper activation procedures, privacy
30 protections, evidence handling, and retention requirements prior
31 to deployment of such equipment. **SECTION 4.5. STATE**
32 **ASSISTANCE.** (a) Subject to appropriation, the Department of
33 Public Safety shall establish a grant program to assist local

1 governments and smaller agencies in acquiring, maintaining, and
2 securely storing body-worn camera systems required under this
3 Act. (b) Priority shall be given to rural jurisdictions and agencies
4 with limited fiscal capacity. **SECTION 5. ACTIVATION**
5 **REQUIREMENTS.** (a) A body-worn camera shall be activated
6 during: (I) Enforcement actions or investigative encounters; (II)
7 Detentions, searches, or arrests; (III) Execution of warrants; (IV)
8 Use of force incidents; and (V) Any interaction that becomes
9 adversarial or enforcement-related. (b) A public servant shall
10 notify individuals that recording is occurring when reasonably
11 practicable, except when doing so would be unsafe or impractical.
12 (c) A body-worn camera shall not be intentionally deactivated
13 during an active enforcement or investigative interaction unless:
14 (I) The interaction has concluded; or (II) Privacy considerations
15 require temporary deactivation as provided in Section 6. (d) A
16 body-worn camera required under this Act shall be activated at
17 the initiation of any public interaction reasonably anticipated to
18 involve enforcement, investigation, or official action and shall
19 remain activated until the interaction has fully concluded. A
20 public servant shall not intentionally delay activation once such
21 interaction has begun. (e) A body-worn camera shall be activated
22 prior to and during any anticipated use of force and shall remain
23 activated following the incident until the scene has stabilized and
24 supervisory personnel have assumed control. (f) Body-worn
25 cameras shall remain activated during crowd control operations,
26 demonstrations, or public assemblies when public servants are
27 performing enforcement or safety duties. **SECTION 6. PRIVACY**
28 **PROTECTIONS.** (a) Recording shall be prohibited in the
29 following circumstances unless required for enforcement
30 purposes: (I) Inside private residences where no enforcement
31 action is occurring; (II) During conversations involving
32 confidential informants; (III) During discussions involving
33 medical, legal, or educational confidentiality; (IV) In restrooms or

1 changing facilities. (b) Individuals may request that recording
2 cease in sensitive situations, and the public servant may deactivate
3 the camera when doing so does not compromise safety or
4 enforcement duties. (c) Deactivation based upon privacy
5 considerations shall be verbally documented on the recording
6 prior to deactivation whenever practicable and shall include the
7 reason for cessation of recording. **SECTION 7. DATA**
8 **RETENTION AND STORAGE.** (a) Recordings not associated
9 with an investigation, complaint, or enforcement action shall be
10 retained for a minimum of one hundred eighty days. (b)
11 Recordings associated with investigations, use of force incidents,
12 complaints, or legal proceedings shall be retained in accordance
13 with evidence retention laws. (c) Agencies shall ensure secure
14 storage and protection against unauthorized access or alteration.
15 (d) No recording captured pursuant to this Act shall be altered,
16 edited, deleted, or otherwise modified except pursuant to a lawful
17 retention schedule or court order. Any redaction performed for
18 disclosure purposes shall preserve the original recording in its
19 unaltered form. (e) Recordings documenting use of force resulting
20 in death or serious bodily injury shall be retained for a minimum
21 of three years unless otherwise required by law or court order.
22 **SECTION 8. PUBLIC ACCESS AND DISCLOSURE.** (a)
23 Recordings shall be subject to public records laws, except where
24 disclosure would: (I) Violate personal privacy; (II) Interfere with
25 an active investigation; (III) Reveal confidential or protected
26 information; or (IV) Endanger the safety of an individual. (b)
27 Agencies may redact recordings to protect privacy interests prior
28 to release. (c) Recordings involving use of force resulting in
29 serious bodily injury or death shall be released to the public
30 within twenty-one days unless a court finds that release would
31 substantially interfere with an active criminal investigation. Any
32 delay authorized under this subsection shall be narrowly tailored
33 and reviewed every fourteen days. **SECTION 9. COMPLIANCE**

1 AND DISCIPLINE. (a) Agencies shall establish disciplinary
2 policies for intentional failure to activate or unauthorized
3 deactivation of a body-worn camera. (b) Repeated or intentional
4 violations may be considered misconduct. (c) The presumption
5 described in this subsection shall not apply where the failure to
6 record resulted from equipment malfunction, loss of power, or
7 other technical failure beyond the control of the public servant. (d)
8 A public servant involved in a use of force incident resulting in
9 death or serious bodily injury shall not review body-worn camera
10 footage prior to providing an initial statement, except as required
11 by collective bargaining agreement or court order. **SECTION 10.**
12 **RULEMAKING AUTHORITY.** The Department of Public Safety
13 may promulgate rules necessary to implement this Act.
14 **SECTION 10.5. REPORTING.** The Department of Public Safety
15 shall submit an annual report to the General Assembly and the
16 Governor summarizing: the number of agencies utilizing
17 body-worn cameras, compliance with activation requirements,
18 disciplinary actions related to misuse, and the number of public
19 records requests for body-worn camera footage. **SECTION 11.**
20 **EFFECTIVE DATE.** This Act shall take effect after the 90-day
21 period after final adjournment of the Seventy-Seventh general
22 assembly.