

HOUSE BILL No. 4234

February 24, 2015, Introduced by Reps. Runestad, Lauwers, Hooker, Lucido, Glenn, Franz, Hughes, Rendon, Irwin, Chirkun and Chang and referred to the Committee on Judiciary.

A bill to exempt certain audio and video recordings taken by law enforcement officers with a body-worn camera or similar device from disclosure; to describe certain places; to describe certain individuals who may request disclosure of those audio or video recordings; and to prescribe the powers and duties of certain local and state law enforcement agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "law
2 enforcement body-worn camera privacy act".

3 Sec. 2. As used in this act, "private place" means a place
4 where an individual may reasonably expect to be safe from casual or
5 hostile intrusion or surveillance but does not include a place to
6 which the public or a substantial group of the public has access.

7 Sec. 3. Subject to section 4, a recording taken by a law
8 enforcement officer with a body-worn camera or similar device that

1 is taken in a private place is exempt from disclosure under the
2 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

3 Sec. 4. The following individuals may, under the freedom of
4 information act, 1976 PA 442, MCL 15.231 to 15.246, request a copy
5 of an audio or video recording taken by a law enforcement officer
6 with a body-worn camera or similar device that was taken in a
7 private place if the audio or video recording is relevant to the
8 criminal prosecution of the individual or a civil action brought by
9 the individual:

10 (a) An individual who is the subject of the audio or video
11 recording.

12 (b) An individual whose property has been seized or damaged in
13 relation to, or is otherwise involved with, a crime to which the
14 audio or video recording is related.

15 (c) A parent of an individual described in subdivision (a) or
16 (b).

17 (d) A legal guardian of an individual described in subdivision
18 (a) or (b).

19 (e) An attorney for an individual described in subdivision (a)
20 or (b).

21 Sec. 5. An audio or video recording from a body-worn camera
22 that is retained by a law enforcement agency in connection with an
23 ongoing criminal investigation or an ongoing internal investigation
24 is not a public record and is exempt from disclosure under the
25 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

26 Sec. 6. (1) Except as provided in subsection (2), a law
27 enforcement agency shall retain audio and video recorded by a body-

1 worn camera for no longer than 30 days.

2 (2) A law enforcement agency shall retain audio and video
3 recorded by a body-worn camera for 3 years if either of the
4 following applies:

5 (a) The recording is relevant to a complaint against a law
6 enforcement officer or agency.

7 (b) A request regarding the recording has been made under
8 section 4.

9 (3) If a complaint against a law enforcement officer or law
10 enforcement agency is made after the expiration of the 30-day
11 period in subsection (1) and a law enforcement agency is unable to
12 produce a recording in any subsequent criminal prosecution or civil
13 action, there shall be no presumption that the recording would
14 corroborate the defendant's version of events in a criminal
15 prosecution or the plaintiff's version in a civil action.

16 Enacting section 1. This act takes effect 90 days after the
17 date it is enacted into law.