

## HOUSE BILL NO. 524

INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING BODY-WORN CAMERAS;  
5 ESTABLISHING A BODY-WORN CAMERA REVIEW COMMISSION; REQUIRING THE COMMISSION TO  
6 ADOPT RULES ESTABLISHING CONSISTENT STATEWIDE POLICIES FOR BODY-WORN CAMERAS;  
7 PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Body-worn cameras -- rulemaking -- commission.** (1) There is a  
12 body-worn camera review commission within the department of justice to carry out the duties provided in  
13 subsection (4).

14 (2) The commission consists of the following members:

- 15 (a) a law enforcement officer appointed by the attorney general;  
16 (b) a representative of the American civil liberties union appointed by the governor;  
17 (c) a citizen of Montana appointed by the governor; and  
18 (d) a representative of the department of justice appointed by the attorney general.

19 (3) The members of the commission shall serve without compensation and may not be reimbursed for  
20 travel expenses as provided for in 2-18-501 through 2-18-503. Members who are full-time salaried officers or  
21 employees of the state or of a political subdivision of the state are entitled to their regular compensation.

22 (4) The commission shall adopt rules pursuant to Title 2, chapter 4, establishing consistent statewide  
23 polices and procedures for body-worn cameras used by state and local law enforcement officers. The rules  
24 adopted pursuant to this subsection must:

- 25 (a) provide when body-worn cameras must be worn, activated, and deactivated;  
26 (b) provide that body-worn cameras may not be used surreptitiously;  
27 (c) establish exceptions and procedures for circumstances in which the activation and use of body-worn  
28 cameras is unsafe, impossible, or impracticable;  
29 (d) require the consent of a victim or witness before body-worn cameras are used to record an interview;  
30 (e) provide for the length of time that data from body-worn cameras may be retained and how the data

1 must be stored;

2 (f) provide when data from body-worn cameras may be released to the public;

3 (g) establish measures to prevent the tampering, deleting, and copying of data from body-worn cameras;

4 and

5 (h) establish best practices and training requirements for body-worn cameras.

6 (5) For purposes of this section, the following definitions apply:

7 (a) "Body-worn camera" means an electronic device worn on the body of a state or local law enforcement  
8 officer that records audio and video data that may be captured, retrieved, and stored electronically.

9 (b) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency  
10 who is a peace officer, as defined in 46-1-202, and has arrest authority, as described in 46-6-210.

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12 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
13 integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [section 1].

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15 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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