

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40261-MLa-18B (12/02)

Short Title: Protect Law Enforcement & Comm. Relationships. (Public)

Sponsors: Representatives Hanes, Alexander, Jeter, and Saine (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MOST LAW ENFORCEMENT OFFICERS TO WEAR AND
3 ACTIVATE BODY-WORN CAMERAS DURING CERTAIN INTERACTIONS WITH
4 THE PUBLIC.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 15A of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 7.

9 "Body-Worn Cameras.

10 "§ 15A-201. Definitions.

11 The following definitions apply in this Article:

- 12 (1) Body-worn camera. – An operational video camera provided by a law
13 enforcement agency and affixed to a law enforcement officer's uniform and
14 positioned in a way that allows the video camera to capture interactions the
15 law enforcement officer has with the public. The video camera shall include
16 a microphone or other mechanism for allowing audio capture. This term
17 does not include cameras privately owned and provided by a law
18 enforcement officer.
- 19 (2) Recordable interaction. – An interaction between a law enforcement officer,
20 in his or her official capacity, and a member or members of the public,
21 including an inmate or inmates of a State correctional facility. This term
22 includes traffic stops; arrests; searches; interrogations not covered under
23 G.S. 15A-211; interviews with victims and witnesses; and pursuits.
- 24 (3) Law enforcement agency. – Any duly accredited State or local government
25 agency possessing authority to enforce the criminal laws of the State. For
26 purposes of this Article, this term does not include local law enforcement
27 agencies located in a county with a population of less than 200,000, as
28 determined by the most recent decennial federal census.
- 29 (4) Law enforcement officer. – Any employee of a law enforcement agency who
30 (i) is actively serving in a position with primary duties and responsibilities
31 for the prevention and detection of crime or the general enforcement of the
32 criminal laws of the State, (ii) possesses the power of arrest by virtue of an
33 oath administered under the authority of the State, and (iii) is primarily
34 assigned to patrol duties. For purposes of this Article, this term also includes
35 on-duty State correctional officers.
- 36 (5) Recording. – A visual and audio recording captured by a body-worn camera.



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1 **"§ 15A-202. Body-worn cameras required for law enforcement officers.**

2 (a) Requirement. – Except as otherwise provided in subsection (b) of this section, a law
3 enforcement officer shall wear and activate a body-worn camera during any recordable
4 interaction.

5 (b) Exceptions. – A law enforcement officer shall not be required to activate a
6 body-worn camera in any of the following places or situations:

7 (1) Interactions with confidential informants and undercover officers.

8 (2) During routine, nonlaw enforcement related activities, including when a law
9 enforcement officer is engaged in a personal conversation, when a law
10 enforcement officer is using a rest room or bathroom, or when a law
11 enforcement officer is dressing or undressing in a locker room or dressing
12 room.

13 (3) When a law enforcement officer is providing training or making a
14 presentation to the public.

15 (c) Evidence. – If otherwise admissible, a recording captured by a body-worn camera
16 pursuant to this section may be used as evidence in any relevant administrative, civil, or
17 criminal proceeding.

18 (d) Retention. – A law enforcement agency shall retain an original, unredacted
19 recording captured by a body-worn camera pursuant to this section for a reasonable period of
20 time as determined by the law enforcement agency.

21 (e) Malfunction. – A law enforcement officer or law enforcement agency shall not be
22 considered to have failed to comply under subsections (a) or (d) of this section if (i) the
23 body-worn camera did not activate or record due to a malfunction and (ii) within 24 hours of
24 learning that the body-worn camera did not activate or record due to a malfunction, the law
25 enforcement officer, or a supervisor of the law enforcement officer, completes a written report
26 detailing the nature of the malfunction. The report must be signed and dated by both the law
27 enforcement officer and a supervisor of the law enforcement officer.

28 (f) Remedies for Noncompliance. – Failure to comply with subsections (a) or (d) of this
29 section shall be admissible as evidence to support claims made by a defendant in a criminal
30 action or a party opposing the law enforcement officer or law enforcement agency in a civil
31 action.

32 (g) Training. – A law enforcement agency shall provide training to a law enforcement
33 officer on how to operate a body-worn camera prior to the law enforcement officer wearing and
34 activating a body-worn camera."

35 **SECTION 2.(a) Grant Program. – Notwithstanding G.S. 143C-5-2, there is**
36 **appropriated from the General Fund to the Governor's Crime Commission within the**
37 **Department of Public Safety the sum of five million dollars (\$5,000,000) in nonrecurring funds**
38 **for the 2015-2016 fiscal year and the sum of five million dollars (\$5,000,000) in nonrecurring**
39 **funds for the 2016-2017 fiscal year to provide grants to the following law enforcement agencies**
40 **in priority order:**

41 (1) Law enforcement agencies subject to the requirement in Section 1 of this act
42 for the purpose of purchasing body-worn cameras.

43 (2) Law enforcement agencies not subject to the requirement in Section 1 of this
44 act for the purpose of purchasing body-worn cameras.

45 (3) Law enforcement agencies subject to the requirement in Section 1 of this act
46 for the purpose of paying expenses related to the retention and storage of
47 recordings captured by body-worn cameras.

48 (4) Law enforcement agencies not subject to the requirement in Section 1 of this
49 act for the purpose of paying expenses related to the retention and storage of
50 recordings captured by body-worn cameras.

1 **SECTION 2.(b)** Match Required. – A grant provided pursuant to this section shall
2 be matched on the basis of one dollar (\$1.00) in grant funds for every five dollars (\$5.00) in
3 nongrant funds. Matching funds shall not include other State funds. The Governor's Crime
4 Commission shall not provide a grant under this section until the grantee provides evidence
5 satisfactory to the Commission that the grantee has sufficient nongrant funds to match.

6 **SECTION 2.(c)** Maximum Amount. – A grant provided under this section shall not
7 exceed one hundred thousand dollars (\$100,000).

8 **SECTION 2.(d)** Guidelines. – The Governor's Crime Commission shall develop
9 guidelines and procedures for the administration and distribution of grants under this section.

10 **SECTION 3.** Section 1 of this act becomes effective January 1, 2016, for members
11 and officers of the State Highway Patrol and county law enforcement officers. Section 1 of this
12 act becomes effective January 1, 2017, for the remaining law enforcement officers subject to
13 this act. Section 2 of this act becomes effective July 1, 2015.