



SPONSOR: Rep. Minor-Brown

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 215

1 AMEND House Bill No. 215 by inserting the following after line 7 and before line 8 and redesignating  
2 accordingly:

3 "(1) "Body worn camera" means an electronic device that is worn by a law-enforcement officer and records  
4 audio and video data on the device itself or transmits audio and video data to another location for recording.".

5 FURTHER AMEND House Bill No. 215 on line 16 by deleting "person" after "or" and before "authorized"  
6 therein and inserting in lieu thereof "individual".

7 FURTHER AMEND House Bill No. 215 by deleting lines 24 through 26 in their entirety.

8 FURTHER AMEND House Bill No. 215 on line 39 by deleting "holding cell, or correctional or detention facility,"  
9 after the comma therein and inserting in lieu thereof "or holding cell,".

10 FURTHER AMEND House Bill No. 215 on lines 41 through 42 by deleting "or at any other place of detention,"  
11 and inserting in lieu thereof "in a correctional or detention facility, or at any other place of detention other than a place of  
12 detention under paragraph (a)(1) of this section,".

13 FURTHER AMEND House Bill No. 215 on line 42 by inserting "or by the use of a body worn camera" after  
14 "means" and before "at" therein.

15 FURTHER AMEND House Bill No. 215 by deleting lines 67 to 68 in their entirety and inserting in lieu thereof  
16 "electronically. The individual's agreement to participate without recording must be recorded in a written document that is  
17 signed by the individual,".

18 FURTHER AMEND House Bill No. 215 on line 72 by deleting "electronically and waived in a written document  
19 that is signed by the individual," after "recorded" therein and inserting in lieu thereof "electronically,".

20 FURTHER AMEND House Bill No. 215 on line 84 by deleting "recorded electronically" after "must be" and  
21 before "at" therein and inserting in lieu thereof "in writing".

22 FURTHER AMEND House Bill No. 215 on line 85 by deleting "recording" after "contemporaneous" and before  
23 "of" therein and inserting in lieu thereof "memorialization".

24 FURTHER AMEND House Bill No. 215 on line 85 by deleting "recording" after "the" and before "must" therein  
25 and inserting in lieu thereof "memorialization".

26 FURTHER AMEND House Bill No. 215 on line 92 by inserting "or by the use of a body worn camera" after  
27 "alone" and before "if" therein.

28 FURTHER AMEND House Bill No. 215 on line 95 by inserting "or by the use of a body worn camera" after  
29 "alone" and before "if" therein.

30 FURTHER AMEND House Bill No. 215 by deleting lines 110 through 113 in their entirety.

31 FURTHER AMEND House Bill No. 215 on line 114 by deleting "§ 2013." and inserting in lieu thereof "§ 2012.".

32 FURTHER AMEND House Bill No. 215 on line 119 by deleting "§ 2014." and inserting in lieu thereof "§ 2013.".

33 FURTHER AMEND House Bill No. 215 on line 133 by inserting ", other than a body worn camera," after  
34 "device" and before "which" therein.

35 FURTHER AMEND House Bill No. 215 on line 134 by inserting "In a place of detention, the camera must be  
36 simultaneously focused on both the law-enforcement officer and the individual subject to the custodial interrogation." after  
37 the period therein.

38 FURTHER AMEND House Bill No. 215 on line 135 by deleting "§ 2015." and inserting in lieu thereof "§ 2014.".

39 FURTHER AMEND House Bill No. 215 on line 137 by deleting "reasonably designed" before "to" therein.

40 FURTHER AMEND House Bill No. 215 on line 137 by deleting "§ 2014." and inserting in lieu thereof "§ 2013.".

41 FURTHER AMEND House Bill No. 215 on line 140 by deleting "§ 2016." and inserting in lieu thereof "§ 2015.".

42 FURTHER AMEND House Bill No. 215 on line 144 by deleting "§ 2017." and inserting in lieu thereof "§ 2016.".

43 FURTHER AMEND House Bill No. 215 on line 147 by deleting "6 months " after "effect" and before "following"  
44 therein and inserting in lieu thereof "9 months".

#### SYNOPSIS

This Amendment does all of the following:

(1) Clarifies that a law enforcement officer may use a body worn camera to record a custodial interrogation that occurs in a police vehicle, school, correctional or detention facility, or any other place of detention other than a jail, police station, or holding cell.

(2) Removes the requirement that an individual's refusal to participate in a custodial interrogation if it is recorded must be recorded electronically. Instead, the refusal must be recorded in a written document signed by the individual.

(3) Removes the requirement that an individual's refusal to participate in further interrogation unless the recording ceases must be waived in a written document signed by the individual. The refusal must be recorded.

(4) Provides that a decision not to record a custodial interrogation because it would disclose the identity of an informant is to be memorialized in a written record instead of being recorded electronically.

(5) Provides that if an audio and video or audio recording cannot be made as required due to a technical problem a law enforcement officer may use a body worn camera to make the required recording.

(6) Removes the requirement that the court give a cautionary instruction to the jury.

(7) Clarifies that the rules to be adopted by the Council on Police Training related to angle, focus, and field of vision do not apply to a body worn camera.

(8) Delays the Act's effective date for an additional 3 months after its enactment for a total delay of 9 months.