

BILL ANALYSIS

Senate Research Center
86R20607 JSC-F

H.B. 4236
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Criminal Justice
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4236 amends current law relating to permitting the viewing of certain body worn camera recordings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.660, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsections (a-1) and (b), rather than under Subsection (b), to the provision that a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer is prohibited from being deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

(a-1) Authorizes a law enforcement agency to permit a person who is depicted in a recording of an incident described by Subsection (a) or, if the person is deceased, the person's authorized representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and provided that any authorized representative who is permitted to view the recording was not a witness to the incident. Prohibits a person viewing a recording from duplicating the recording or capturing video or audio from the recording. Provides that a permitted viewing of a recording under this subsection is not considered to be a release of public information for purposes of Chapter 552 (Public Information), Government Code.

SECTION 2. Provides that the change in law made by this Act applies to a recording held by a law enforcement agency on or after the effective date of this Act, regardless of whether the recording was created before, on, or after that date.

SECTION 3. Effective date: September 1, 2019.