

**HB 2362** - H AMD TO H AMD (2362 AMH HANS ADAM 078) **799**

By Representative Pollet

**ADOPTED 02/22/2016**

1 On page 5, line 1 of the striking amendment, after "(e)" insert  
2 "(i)"

3  
4 On page 5, line 10 of the striking amendment, after "law." insert  
5 "In addition, an attorney who represents a person regarding a  
6 potential or existing civil cause of action involving the denial of  
7 civil rights under the federal or state constitution, or a violation  
8 of a United States department of justice settlement agreement, has the  
9 right to obtain the body worn camera recording if relevant to the  
10 cause of action, subject to any exemption under this chapter or any  
11 applicable law. The attorney must explain the relevancy of the  
12 requested body worn camera recording to the cause of action and  
13 specify that he or she is seeking relief from redaction costs under  
14 this subsection (14)(e).

15 (ii)"

16  
17 On page 5, line 14 of the striking amendment, after "recording."  
18 insert the following:

19 "(iii)"

20  
21 On page 5, line 20 of the striking amendment, after "(f)" insert  
22 "(i)"

23  
24 On page 5, after line 26 of the striking amendment, insert the  
25 following:

26 "(ii) An agency that charges redaction costs under this subsection  
27 (14)(f) must use redaction technology that provides the least costly

1 commercially available method of redacting body worn camera  
2 recordings, to the extent possible and reasonable.

3 (iii) In any case where an agency charges a requestor for the  
4 costs of redacting a body worn camera recording under this subsection  
5 (14)(f), the time spent on redaction of the recording shall not count  
6 towards the agency's allocation of, or limitation on, time or costs  
7 spent responding to public records requests under this chapter, as  
8 established pursuant to local ordinance, policy, procedure, or state  
9 law."

10

EFFECT: Allows an attorney to obtain a body worn camera recording without paying for redaction costs if the attorney is representing a person regarding a potential or existing cause of action involving denial of civil rights under the federal or state constitution, or involving a violation of a United States Department of Justice settlement agreement, if the recording is relevant to the cause of action. Requires the attorney to explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs.

Requires an agency that charges for redaction of body worn camera recordings to use redaction technology that provides for the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

Provides that the time an agency spends on redaction of body worn camera recordings for which the agency charges redaction costs may not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests, as established pursuant to local ordinance, policy, procedure, or state law.

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