

SENATE BILL REPORT

SHB 1080

As of March 14, 2023

Title: An act relating to body worn cameras.

Brief Description: Concerning body worn cameras.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Taylor, Peterson, Simmons, Walen, Reed, Stearns, Berry, Pollet, Goodman, Orwall, Bergquist, Gregerson and Thai).

Brief History: Passed House: 2/9/23, 96-1.

Committee Activity: Law & Justice: 3/14/23.

Brief Summary of Bill

- Modifies the list of qualifying individuals who have a right to obtain body-worn camera recordings and without being charged the costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring portions of the recording.
- Authorizes law enforcement and corrections agencies responding to a public records request to charge qualifying individuals for the costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring portions of a body-worn camera recording when the requestor is a party in a criminal or civil case on file in any court concerning the recorded incident.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: A body worn camera recording is a video or sound recording, or both, that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or

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corrections officer while in the course of the officer's official duties.

Washington's Public Records Act (PRA) provides for the full disclosure of public records, limited by specific exemptions. Among other records, body-worn camera recordings are exempt from disclosure to the extent it is essential for the protection of any person's right to privacy. A person's right to privacy is violated if disclosure of information about the person would be highly offensive to a reasonable person and is not of legitimate concern to the public.

A law enforcement or corrections agency responding to a request to disclose body-worn camera recordings may require a requester to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the recording prior to disclosure to comply with the restrictions of the PRA and other laws. However, qualifying individuals have a right to obtain body-worn camera recordings, subject to exemptions, with no costs charged for any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the recording. Qualifying individuals include:

- a person directly involved in a recorded incident;
- an attorney representing a person directly involved in a recorded incident;
- a person or their attorney who requests a body-worn camera recording relevant to a criminal case involving that person;
- the executive directors of the Washington State commissions on African American Affairs, Asian Pacific American Affairs, or Hispanic Affairs; and
- an attorney representing a person regarding a civil cause of action involving the denial of civil rights, if the recording is relevant to the cause of action.

In addition to PRA requests, individuals and their attorneys may also be entitled to obtain certain body-worn camera recordings through discovery in a criminal or civil proceeding.

Summary of Bill: The following individuals are removed from the list of qualifying individuals who have a right to obtain body-worn camera recordings and with no costs charged for any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the recording:

- an attorney representing a person directly involved in a recorded incident;
- a person or their attorney who requests a body-worn camera recording relevant to a criminal case involving that person; and
- an attorney representing a person regarding a civil cause of action involving the denial of civil rights, if the recording is relevant to the cause of action.

Law enforcement and corrections agencies responding to a public records request from a qualifying individual may charge for the costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring portions of a body-worn camera recording when the requestor is a party in a criminal or civil case on file in any court concerning the recorded incident.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.