

HCS HB 762 -- ACCESSIBILITY OF INFORMATION ACQUIRED BY LAW
ENFORCEMENT (Higdon)

COMMITTEE OF ORIGIN: Standing Committee on Public Safety and
Emergency Preparedness

This bill prohibits any law enforcement agency from being required to provide mobile video recorders, as defined in the bill, to officers employed by the agency or the state from requiring any peace officer to wear a recorder. Any law enforcement agency that utilizes a mobile video recorder must have a written policy on the use of the recorders. A law enforcement agency is authorized to close records consisting of data from mobile video recorders with specified exceptions.

Any person may bring an action in the circuit court having jurisdiction to authorize disclosure of data in the possession of a law enforcement from a mobile video recorder which would otherwise be closed under the Open Meetings and Records Law, commonly known as the Sunshine Law. The court may order that all or part of the data from a mobile video recorder be released to the person bringing the action as specified in the bill. The court may find that the party seeking disclosure of the data must bear its reasonable and necessary costs and attorney fees unless the court finds that the decision of the law enforcement agency not to open the data was substantially unjustified under all relevant circumstances, in which case the court must assess the costs and attorney fees to the law enforcement agency.