

HB 1127 -- Crime Scene Photographs and Videos

Sponsor: Largent

This bill requires certain specified crime scene photographs and video recordings, including those produced by a state or local agency or by a perpetrator or suspect at a crime scene, to be considered closed records and not subject to disclosure under the Open Meetings and Records Law, commonly known as the Sunshine Law. The provisions of the bill cannot prohibit disclosure of the material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. Under specified situations a circuit court judge may order the disclosure, with or without conditions, of the photographs or video recordings upon a written finding that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased's next of kin. Prior to releasing any crime scene material under these provisions, the custodian of the material must give the deceased's next of kin at least two weeks' notice, which cannot be disregarded or shortened by a court. These provisions apply to any undisclosed material which is or comes into custody of a state or local agency and cannot apply to the disclosure of crime scene material to any counsel representing a convicted defendant for the purpose of preparing to file or litigating in a habeas corpus action, a motion for a new trial, or a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255. Defense counsel may disclose the materials to his or her client and any expert or investigator assisting counsel and may use them for exhibits in a court proceeding but cannot otherwise disseminate the materials. The Director of the Department of Public Safety must establish rules and regulations governing the viewing of the materials by credentialed members of the press.