

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB1000

Hearing Date: Thursday February 18, 2016
Committee On: Judiciary
Introducer: Mello
One Liner: Require certain law enforcement agencies to adopt policies on the use of body-worn cameras, provide that recordings from such cameras are not public records, and prohibit certain conduct involving such recordings

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Chambers, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams
Nay:		
Absent:	1	Senator Coash
Present Not Voting:		

Verbal Testimony:

Proponents:
SEN. HEATH MELLO
SPIKE EICKHOLT
OWEN YARDLEY

Representing:
INTRODUCER
ACLU
UNL

Opponents:
BRUCE LANG

Representing:
NE POLICE CHIEFS ASSOCIATION & BEATRICE
POLICE DEPARTMENT

Neutral:
WALTER RADCLIFFE
GREG GONZALEZ
JIM MAGUIRES

Representing:
MEDIA OF NEBRASKA
OMAHA POLICE DEPARTMENT
NEBRASKA FRATERNAL ORDER OF POLICE

Summary of purpose and/or changes:

LB1000 would regulate the use of body-worn cameras by law enforcement agencies.

Section 1 would define terms for the purposes of this bill. The bill would define the following terms: Body-worn camera; Commission; Member of the public; Peace officer or officer; and Subject.

The term "Commission" refers to the Nebraska Commission on Law Enforcement and Criminal Justice, which is also known as the "Crime Commission".

Section 2 would require any law enforcement agency that uses body cameras to adopt a policy for their use, and would require the agency to provide a copy of its policy to the Crime Commission. Any agency using body cameras would be required to provide an updated copy of their policy to the Crime Commission each year.

Section 3 through Section 6 would provide requirements for a law enforcement agency's policies regarding the use of body cameras.

Section 3 would govern the use of body-worn cameras by law enforcement officers.

Section 4 would govern requirements for when to activate or deactivate body-worn cameras to address privacy concerns in certain circumstances.

Section 5 would govern storage of and access to recordings from body-worn cameras.

Section 6 would govern policies to ensure that body-worn cameras are in good working order.

Section 7 states that recordings from body-worn cameras would be considered records that may be withheld from the public, under an exception to the state public records law in 84-712.05 (5).

Section 8 would provide penalties for certain violations of this act.

The release of video from a body-worn camera without authorization would be a Class V Misdemeanor. The destruction or deletion of video from a body-worn camera without authorization would be a Class V Misdemeanor.

Explanation of amendments:

The Judiciary Committee amendment to LB1000, AM2704, would replace the green copy of the bill. The amendment makes changes to the provisions of LB1000, incorporates provisions from LB846, and incorporates provisions from LB1055.

Sections 1 through 3 include the provisions of LB1000, as amended.

Section 1 would define the following terms for the purposes of this bill: Body-worn camera; Commission; Law enforcement agency; and Peace officer.

Section 2 would require the Crime Commission to develop a model policy on body-worn cameras and make it available to law enforcement agencies. It would also require all law enforcement agencies that use body-worn cameras to either adopt the Crime Commission's model policy or adopt their own policy. If a law enforcement agency adopts its own policy, it could go above and beyond the Crime Commission policy, but it must be consistent with the Crime Commission policy. This section would also require law enforcement agencies to provide their policies, and annual updates to their policies, if any, to the Crime Commission.

Section 3 would include minimal policy requirements in the statute, primarily related to data retention. This would give the Crime Commission the discretion to include greater detail in the model policy.

Section 4 includes the provisions of LB846, as amended. The changes incorporated into this bill are different from AM1908, which was the Committee Amendment to LB846.

This section would require the Crime Commission to distribute a model policy to law enforcement agencies regarding eyewitness identification of suspects; the Crime Commission has already developed a model policy. It would also require all law enforcement agencies to either adopt the Crime Commission's model policy, or adopt their own policy. If a law enforcement agency adopts its own policy, it could go above and beyond the Crime Commission policy, but it must be consistent with the Crime Commission policy. This amendment would not include any policy requirements in statute. This would give the Crime Commission the discretion to include greater detail in the model policy.

Sections 5 through 9 include the provisions of LB1055, as amended.

These sections would change the procedures for grand jury proceedings in cases involving an in-custody death. The changes incorporated into this bill are the same as AM2257, the Judiciary Committee amendment to LB1055.

Section 10 would repeal the sections amended by this bill.

Les Seiler, Chairperson