

HB 2344 -- MOBILE VIDEO RECORDINGS

SPONSOR: Wilson

This bill requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent as specified in the bill, may obtain a complete, unaltered, and unedited copy of the recording upon written request.

Mobile video recordings are considered closed records until any related investigation becomes inactive, except that a legal guardian or parent of a minor child depicted in a mobile video recording or whose voice is in the recording may obtain records for purposes of investigating any civil claim or defense, and such person may obtain a complete, unaltered and unedited incident report related to the mobile video recording.

Any person may bring action in the circuit court that has jurisdiction to authorize disclosure of a mobile video recording, and the court may order that all or part of a mobile video recording be released to the person bringing the action. The bill specifies various factors the court is to consider when determining whether a mobile video recording shall be disclosed.

Any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording, including any description or account of any or all of the recording, without first giving direct notice to any person not affiliated with a law enforcement agency whose image or sound is contained in the recording. Upon receiving notice, each person who appears in the recording has 10 days to file and serve an action seeking an order from a court with jurisdiction to prohibit all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply will be subject to damages in a civil actions proceeding.