

HCS HB 2344 -- MOBILE VIDEO RECORDINGS

SPONSOR: Wilson

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Public Safety and Emergency Preparedness by a vote of 8 to 3. Voted "Do Pass with HCS" by the Select Committee on State and Local Government by a vote of 9 to 1.

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.

PROPONENTS: Supporters say that video taken on body cameras recorded in residences should not be accessible to the public. Private homes are protected by the Fourth Amendment to the United States Constitution and there is an expectation of privacy. There is also an expectation of privacy in hospital rooms. In public, however, there is no expectation of privacy.

Testifying for the bill were Representative Wilson and Missouri Police Chiefs Association.

OPPONENTS: Those who oppose the bill say that there is concern about the charge for the records, since there could be a conflict with other aspects of the Sunshine Law. Since there is no expectation of privacy on public streets, this should not cover dash cameras. Opponents also expressed concern over the constitutionality of a prior restraint stated in the bill. We have to balance governmental transparency with privacy of the public.

Testifying against the bill were Doug Crews, Missouri Press Association and ACLU Of Missouri.

OTHERS: Others testifying on the bill say body camera makers make sure captured videos are secure and are maintained with a strict chain of custody.

Testifying on the bill was David Fowers, Taser International.