

1 moving images, still images, or audio by way of written notes or
2 observations.

3 § -2 **Right to record law enforcement activities.** A
4 person neither under arrest nor in the custody of a law
5 enforcement officer shall have the right to record law
6 enforcement activity and to maintain custody and control of that
7 recording and of any property or instruments used by that person
8 to record law enforcement activities; provided that a person
9 under arrest or in the custody of a law enforcement officer does
10 not, by that status alone, forfeit the right to have any
11 recordings taken before the arrest or before being taken into
12 custody or the right to have any property and instruments used
13 for the recording to be maintained and returned to the person
14 under arrest or in custody. Nothing in this chapter shall be
15 construed to permit a person to engage in actions that
16 physically interfere with law enforcement activity or otherwise
17 constitute a crime under chapter 710.

18 § -3 **Unlawful interference with recording law**
19 **enforcement activity; private right of action.** (a) A claim of
20 unlawful interference with recording a law enforcement activity
21 shall be established under this section when a person



1 demonstrates that the person exercised or attempted to exercise
2 the right to record law enforcement activities pursuant to
3 section -2 and a law enforcement officer acted to interfere
4 with that person's recording of a law enforcement activity,
5 including by:

- 6 (1) Intentionally preventing or attempting to prevent that
7 person from recording law enforcement activity;
- 8 (2) Threatening that person for recording law enforcement
9 activity;
- 10 (3) Commanding that the person cease recording law
11 enforcement activity when the person was otherwise
12 authorized by law to do so;
- 13 (4) Stopping, seizing, searching, ticketing, or arresting
14 that person because that person recorded law
15 enforcement activity;
- 16 (5) Unlawfully seizing property or instruments used by
17 that person to record law enforcement activity;
- 18 (6) Unlawfully destroying or seizing a recording or
19 recordings of law enforcement activity; or



1 (7) Copying a recording of law enforcement activity
2 without the consent of the person who recorded it or
3 approval from a court of competent jurisdiction.

4 (b) It shall be an affirmative defense to a civil action
5 under this section that the law enforcement officer had probable
6 cause to arrest the person recording the law enforcement
7 activity for a crime under chapter 710 at the time of the law
8 enforcement officer's conduct.

9 (c) A person subject to unlawful interference with
10 recording law enforcement activities under this section may
11 bring an action in any court of competent jurisdiction for
12 damages and other relief, including:

- 13 (1) Punitive damages;
14 (2) Declaratory and injunctive relief; and
15 (3) Other remedies as the court may deem appropriate.

16 (d) In any action or proceeding brought pursuant to this
17 section, the court may award a prevailing plaintiff reasonable
18 attorneys' and expert witness fees.

19 (e) Any action or proceeding brought pursuant to this
20 section shall be commenced no later than three years after the
21 date the violation was committed.



1 § -4 **Preservation of rights.** The rights under this
2 chapter shall be in addition to all other rights and remedies
3 available pursuant to law."

4 SECTION 2. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Law Enforcement; Recordings; Private Right of Action

Description:

Establishes the right of a person to record law enforcement activities. Establishes a private right of action for any violation of the right to record law enforcement activities. Effective 7/1/3000. (HD1)

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