

2019D07313SFR:AAS

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in actions, proceedings and other matters generally, providing for recordings of law enforcement officers.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in actions, proceedings
3 and other matters generally, providing for recordings of law
4 enforcement officers.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 67B

10 RECORDINGS OF LAW ENFORCEMENT OFFICERS

11 Sec.

12 67B01. Definitions.

13 67B02. Permissible recording.

14 67B03. Prohibited activities of law enforcement officers.

15 67B04. Agency policies.

16 67B05. Effect of chapter.

17 § 67B01. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Law enforcement agency." An agency that employs a law
4 enforcement officer.

5 "Law enforcement officer." As follows:

6 (1) An individual who by virtue of the individual's
7 office or public employment is vested by law with a duty to
8 maintain public order or make arrests for offenses, whether
9 or not that duty extends to all offenses or is limited to
10 specific offenses.

11 (2) The term includes, but is not limited to, the
12 following:

13 (i) A full-time or part-time employee assigned to
14 criminal or traffic law enforcement duties of a police
15 department of a county, region, city, borough, town,
16 township or school entity.

17 (ii) A member of the Pennsylvania State Police.

18 (iii) A sheriff, deputy sheriff or constable.

19 (iv) An individual on active State duty under 51
20 Pa.C.S. § 508 (relating to active duty for emergency).

21 "Recording device." A device that is capable of recording
22 images, audio or video, or any combination thereof.

23 § 67B02. Permissible recording.

24 (a) Conditions.--A person has a right to record a law
25 enforcement officer engaged in the public discharge of duties if
26 the person:

27 (1) is in a location in which the person is lawfully
28 permitted; and

29 (2) does not interfere with the official duties of the
30 law enforcement officer when recording.

1 (b) Other permission unnecessary.--A person recording a law
2 enforcement officer in accordance with subsection (a) does not
3 need the permission of any other person to make the recording.
4 § 67B03. Prohibited activities of law enforcement officers.

5 (a) Interference with recording.--A law enforcement officer
6 may not interfere with the lawful recording under this chapter,
7 which includes intentionally blocking, obstructing or
8 discouraging the recording through intimidation or other forms
9 of coercion.

10 (b) Arrest, detention and confiscation.--The seizure of a
11 recording or recording device must comply with the Constitution
12 of the United States and the Constitution of Pennsylvania. The
13 recording shall not by itself be grounds for arrest, detention
14 or confiscation of the recording device, and no retaliation of
15 any type shall be permissible for recording a law enforcement
16 officer in accordance with this chapter.

17 (c) Destruction or alteration.--Under no circumstances shall
18 a recording device or its recording be intentionally damaged,
19 altered or deleted.

20 § 67B04. Agency policies.

21 Each law enforcement agency shall develop and promulgate
22 policies outlining this chapter, as well as possible
23 disciplinary actions, consistent with collective bargaining
24 procedures, for violation of this chapter.

25 § 67B05. Effect of chapter.

26 Nothing in this chapter is intended to limit a law
27 enforcement officer's responsibility to maintain safety or
28 otherwise perform official duties in a manner consistent with
29 law and procedures of the law enforcement agency.

30 Section 2. This act shall take effect in 60 days.

