MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 404

AN ACT TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM USING BODY-WORN CAMERAS TO RECREATE PAST ENCOUNTERS; TO PROHIBIT VIDEO AND AUDIO FOOTAGE RECORDED BY BODY-WORN CAMERAS OTHER THAN FROM ACTUAL REAL-TIME ENCOUNTERS FROM BEING USED IN CRIMINAL PROCEEDINGS; TO REQUIRE LAW ENFORCEMENT AGENCIES UTILIZING BODY-WORN CAMERAS TO ADOPT POLICIES GOVERNING THEIR USAGE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following words and phrases have the meanings ascribed in this subsection unless the context clearly indicates otherwise:

(a) "Body-worn camera" means a portable electronic recording device that is worn on a law enforcement officer's body and which records audio and video in the course of the officer performing his or her activities.

(b) "Law enforcement officer" means the same as that term is defined in Section 45-6-3.

(2) A body-worn camera worn by a law enforcement officer in the State of Mississippi may not be used for the purpose of staging, reenacting or in any other manner recreating a past

encounter, search or other official law enforcement or public safety activity. A law enforcement officer may activate a body-worn camera only for real-time documentation of an actual encounter, search or other official activity.

(3) Video and audio footage recorded in violation of this section may not be used as evidence in criminal proceedings instituted against a person who was a subject of the law enforcement encounter, search or activity.

(4) Each state and local agency that issues body-worn cameras to law enforcement officers employed by that agency shall adopt a policy governing the use of body-worn cameras. The policy must include, at a minimum, the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.