

REFERENCE TITLE: **peace officers; cameras; disclosures; recordings**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1710

Introduced by
Senator Gonzales

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 8, Arizona Revised Statutes, is
3 amended by adding article 4, to read:

4 ARTICLE 4. LAW ENFORCEMENT OFFICER CAMERAS AND RECORDINGS

5 38-1171. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CONTACT":

8 (a) MEANS AN INTERACTION THAT IS WITH AN INDIVIDUAL WHO IS EITHER
9 INSIDE OR OUTSIDE OF A MOTOR VEHICLE AND THAT IS INITIATED BY A PEACE
10 OFFICER, WHETHER CONSENSUAL OR NONCONSENSUAL, TO ENFORCE A LAW OR FOR
11 INVESTIGATING A POSSIBLE VIOLATION OF A LAW.

12 (b) DOES NOT INCLUDE ROUTINE INTERACTIONS WITH THE PUBLIC AT THE
13 POINT OF ENTRY OR EXIT FROM A CONTROLLED AREA.

14 2. "PHYSICAL FORCE" MEANS USING PHYSICAL TECHNIQUES ON OR TACTICS,
15 CHEMICAL AGENTS OR WEAPONS AGAINST ANOTHER INDIVIDUAL.

16 3. "TAMPER" MEANS TO INTENTIONALLY DAMAGE, DISABLE, DISLodge OR
17 OBSTRUCT THE SIGHT OR SOUND OR OTHERWISE IMPAIR FUNCTIONALITY OF A
18 BODY-WORN CAMERA OR TO INTENTIONALLY DAMAGE, DELETE OR FAIL TO UPLOAD SOME
19 OR ALL PORTIONS OF THE VIDEO AND AUDIO OF A BODY-WORN CAMERA.

20 38-1172. Peace officers; cameras; incident recording
21 requirements; exceptions; presumptions;
22 certification suspension or revocation; retention
23 schedule; privacy interests; filing deadlines;
24 notice

25 A. ON OR BEFORE JULY 1, 2026, EVERY LOCAL LAW ENFORCEMENT AGENCY IN
26 THIS STATE AND THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE A BODY-WORN
27 CAMERA FOR EACH PEACE OFFICER WHO IS EMPLOYED BY THE LAW ENFORCEMENT
28 AGENCY OR THE DEPARTMENT OF PUBLIC SAFETY AND WHO HAS CONTACT WITH THE
29 PUBLIC.

30 B. EXCEPT AS PROVIDED IN SUBSECTION C, D OR E OF THIS SECTION, A
31 PEACE OFFICER MUST WEAR AND ACTIVATE A BODY-WORN CAMERA, OR ACTIVATE A
32 DASH CAMERA IF THE PEACE OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA,
33 WHEN RESPONDING TO A CALL FOR SERVICE OR DURING ANY CONTACT WITH THE
34 PUBLIC.

35 C. A PEACE OFFICER MAY TURN OFF A BODY-WORN OR DASH CAMERA:

36 1. TO AVOID RECORDING PERSONAL INFORMATION THAT IS NOT RELATED TO A
37 CASE.

38 2. WHEN WORKING ON AN UNRELATED ASSIGNMENT.

39 3. WHEN THERE IS A LONG BREAK IN THE INCIDENT OR CONTACT THAT IS
40 NOT RELATED TO THE INITIAL INCIDENT.

41 4. IN AN ADMINISTRATIVE, TACTICAL OR MANAGEMENT DISCUSSION THAT IS
42 NOT RELATED TO THE INITIAL INCIDENT.

43 D. A PEACE OFFICER DOES NOT NEED TO WEAR OR ACTIVATE A BODY-WORN
44 CAMERA IF THE PEACE OFFICER IS WORKING UNDERCOVER OR IN A COURT ROOM.

1 E. THIS SECTION DOES NOT APPLY TO A PEACE OFFICER OR THE STAFF WHO
2 WORK IN THE JAIL OF A LOCAL LAW ENFORCEMENT AGENCY IF THE JAIL HAS VIDEO
3 CAMERAS EXCEPT IF PERFORMING A TASK THAT REQUIRES THE ANTICIPATED USE OF
4 PHYSICAL FORCE, INCLUDING DURING A CELL EXTRACTION OR IF USING A RESTRAINT
5 CHAIR.

6 F. IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN CAMERA OR DASH
7 CAMERA WHEN REQUIRED TO BY THIS SECTION, OR TAMPERS WITH BODY-WORN OR DASH
8 CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE THE CAMERA, THERE IS
9 A PERMISSIVE INFERENCE AGAINST THE PEACE OFFICER IN ANY INVESTIGATION OR
10 LEGAL PROCEEDING, EXCLUDING CRIMINAL PROCEEDINGS, THAT THE MISSING FOOTAGE
11 WOULD HAVE REFLECTED MISCONDUCT BY THE PEACE OFFICER. IF A PEACE OFFICER
12 FAILS TO ACTIVATE OR REACTIVATE THE OFFICER'S BODY-WORN CAMERA WHEN
13 REQUIRED TO BY THIS SECTION, OR TAMPERS WITH BODY-WORN CAMERA OR DASH
14 CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE THE CAMERA, ANY
15 STATEMENT THAT IS SOUGHT TO BE INTRODUCED IN A PROSECUTION THROUGH THE
16 PEACE OFFICER THAT IS RELATED TO THE INCIDENT AND THAT WAS NOT RECORDED
17 BECAUSE THE PEACE OFFICER FAILED TO ACTIVATE OR REACTIVATE THE BODY-WORN
18 CAMERA AS REQUIRED BY THIS SECTION, OR IF THE STATEMENT WAS NOT RECORDED
19 BY OTHER MEANS, CREATES A REBUTTABLE PRESUMPTION OF INADMISSIBILITY.
20 NOTWITHSTANDING ANY OTHER LAW, THIS SUBSECTION DOES NOT APPLY IF THE
21 BODY-WORN CAMERA OR DASH CAMERA WAS NOT ACTIVATED DUE TO A MALFUNCTION OF
22 THE BODY-WORN CAMERA OR DASH CAMERA AND THE PEACE OFFICER WAS NOT AWARE OF
23 THE MALFUNCTION, OR WAS UNABLE TO RECTIFY IT, BEFORE THE INCIDENT, IF THE
24 LAW ENFORCEMENT AGENCY'S DOCUMENTATION SHOWS THE PEACE OFFICER CHECKED THE
25 FUNCTIONALITY OF THE BODY-WORN CAMERA OR DASH CAMERA AT THE BEGINNING OF
26 THE PEACE OFFICER'S SHIFT.

27 G. IN ADDITION TO ANY CRIMINAL LIABILITY OR OTHER PENALTY UNDER THE
28 LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER OR FINAL
29 DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER
30 INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR DASH CAMERA OR
31 TAMPERS WITH A BODY-WORN CAMERA OR DASH CAMERA, EXCEPT AS ALLOWED IN THIS
32 SECTION, THE PEACE OFFICER'S EMPLOYER SHALL IMPOSE DISCIPLINE UP TO AND
33 INCLUDING TERMINATION TO THE EXTENT ALLOWED BY THE APPLICABLE
34 CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

35 H. IN ADDITION TO ANY CRIMINAL LIABILITY OR OTHER PENALTY UNDER THE
36 LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER OR FINAL
37 DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER
38 INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR DASH CAMERA OR
39 TAMPERS WITH A BODY-WORN CAMERA OR DASH CAMERA, EXCEPT AS ALLOWED IN THIS
40 SECTION, WITH THE INTENT TO CONCEAL UNLAWFUL OR INAPPROPRIATE ACTIONS OR
41 OBSTRUCT JUSTICE, THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
42 SHALL SUSPEND THE PEACE OFFICER'S CERTIFICATION FOR AT LEAST ONE YEAR. A
43 SUSPENSION PURSUANT TO THIS SUBSECTION MAY BE LIFTED WITHIN THE PERIOD OF
44 THE SUSPENSION ONLY IF THE PEACE OFFICER IS EXONERATED BY A COURT.

1 I. IN ADDITION TO ANY CRIMINAL LIABILITY OR OTHER PENALTY UNDER THE
2 LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER OR FINAL
3 DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER
4 INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR DASH CAMERA OR
5 TAMPERED WITH A BODY-WORN CAMERA OR DASH CAMERA, EXCEPT AS ALLOWED IN THIS
6 SECTION, WITH THE INTENT TO CONCEAL UNLAWFUL OR INAPPROPRIATE ACTIONS OR
7 OBSTRUCT JUSTICE IN AN INCIDENT THAT RESULTS IN A CIVILIAN DEATH, THE
8 ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL PERMANENTLY
9 REVOKE THE PEACE OFFICER'S CERTIFICATION. A REVOCATION PURSUANT TO THIS
10 SUBSECTION MAY BE OVERTURNED ONLY IF THE PEACE OFFICER IS EXONERATED BY A
11 COURT.

12 J. A LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT OF PUBLIC
13 SAFETY SHALL ESTABLISH AND FOLLOW A RETENTION SCHEDULE FOR BODY-WORN
14 CAMERA AND DASH CAMERA RECORDINGS THAT COMPLIES WITH THE RULES AND
15 DIRECTIONS ADOPTED BY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
16 RECORDS.

17 K. FOR ANY INCIDENT THAT INVOLVES A COMPLAINT OF PEACE OFFICER
18 MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN OR A NONPROFIT
19 ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT AGENCY INVOLVED IN THE
20 ALLEGED MISCONDUCT, THE LOCAL LAW ENFORCEMENT AGENCY OR THE DEPARTMENT OF
21 PUBLIC SAFETY SHALL RELEASE ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE
22 INCIDENT, INCLUDING RECORDINGS MADE FROM BODY-WORN CAMERAS, DASH CAMERAS
23 OR OTHERWISE COLLECTED THROUGH INVESTIGATION, TO THE PUBLIC WITHIN
24 TWENTY-ONE DAYS AFTER THE LOCAL LAW ENFORCEMENT AGENCY OR THE DEPARTMENT
25 OF PUBLIC SAFETY RECEIVED THE COMPLAINT OF MISCONDUCT.

26 L. ALL VIDEO AND AUDIO RECORDINGS THAT DEPICT A DEATH CAUSED BY A
27 PEACE OFFICER MUST BE PROVIDED ON REQUEST TO THE VICTIM'S SPOUSE, PARENT,
28 LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER
29 OR OTHER LAWFUL REPRESENTATIVE AND THE REQUESTING PERSON SHALL BE NOTIFIED
30 OF THE PERSON'S RIGHT TO RECEIVE AND REVIEW THE RECORDING AT LEAST
31 SEVENTY-TWO HOURS BEFORE PUBLIC DISCLOSURE OF THE VIDEO OR AUDIO
32 RECORDING.

33 M. NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, ANY VIDEO
34 RECORDING THAT RAISES A SUBSTANTIAL PRIVACY INTEREST FOR A CRIMINAL
35 DEFENDANT, A VICTIM, A WITNESS, A JUVENILE OR AN INFORMANT, INCLUDING A
36 VIDEO RECORDING THAT DEPICTS ANY OF THE FOLLOWING SHALL BE REDACTED OR
37 BLURRED TO PROTECT THE SUBSTANTIAL PRIVACY INTEREST WHILE STILL ALLOWING
38 PUBLIC RELEASE:

- 39 1. NUDITY.
- 40 2. A SEXUAL ASSAULT.
- 41 3. A MEDICAL EMERGENCY.
- 42 4. ANY PRIVATE MEDICAL INFORMATION.
- 43 5. A MENTAL HEALTH CRISIS.
- 44 6. A VICTIM INTERVIEW.

1 7. A MINOR, INCLUDING ANY IMAGES OR INFORMATION THAT MIGHT
2 UNDERMINE THE REQUIREMENT TO KEEP CERTAIN JUVENILE RECORDS CONFIDENTIAL.

3 8. ANY PERSONAL INFORMATION OTHER THAN THE NAME OF ANY PERSON NOT
4 ARRESTED, CITED, CHARGED OR ISSUED A WRITTEN WARNING, INCLUDING A
5 GOVERNMENT-ISSUED IDENTIFICATION NUMBER, DATE OF BIRTH, ADDRESS OR
6 FINANCIAL INFORMATION.

7 9. SIGNIFICANTLY EXPLICIT AND GRUESOME BODILY INJURY, UNLESS THE
8 INJURY WAS CAUSED BY A PEACE OFFICER.

9 10. THE INTERIOR OF A HOME OR TREATMENT FACILITY.

10 N. UNREDACTED FOOTAGE MAY NOT BE RELEASED WITHOUT THE WRITTEN
11 AUTHORIZATION OF THE VICTIM OR, IF THE VICTIM IS DECEASED OR
12 INCAPACITATED, THE WRITTEN AUTHORIZATION OF THE VICTIM'S NEXT OF KIN. A
13 PERSON WHO IS SEVENTEEN YEARS OF AGE OR YOUNGER IS CONSIDERED
14 INCAPACITATED UNLESS LEGALLY EMANCIPATED.

15 O. IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE
16 SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY OR THE
17 DEPARTMENT OF PUBLIC SAFETY, ON REQUEST, SHALL RELEASE THE VIDEO TO THE
18 VICTIM OR, IF THE VICTIM IS DECEASED OR INCAPACITATED, TO THE VICTIM'S
19 SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD OR
20 SIGNIFICANT OTHER OR OTHER LAWFUL REPRESENTATIVE WITHIN TWENTY DAYS AFTER
21 RECEIPT OF THE COMPLAINT OF MISCONDUCT. IN CASES IN WHICH THE RECORDING
22 IS NOT RELEASED TO THE PUBLIC PURSUANT TO THIS SUBSECTION, THE LOCAL LAW
23 ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON WHOSE PRIVACY INTEREST IS
24 IMPLICATED, IF CONTACT INFORMATION IS KNOWN, WITHIN TWENTY DAYS AFTER
25 RECEIPT OF THE COMPLAINT OF MISCONDUCT AND INFORM THE PERSON OF THE
26 PERSON'S RIGHT TO WAIVE THE PRIVACY INTEREST.

27 P. A WITNESS, VICTIM OR CRIMINAL DEFENDANT MAY WAIVE IN WRITING THE
28 INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY A PUBLIC RELEASE OF
29 THE RECORDING. ON RECEIPT OF A WRITTEN WAIVER OF THE APPLICABLE PRIVACY
30 INTEREST, ACCOMPANIED BY A REQUEST FOR RELEASE, THE LAW ENFORCEMENT AGENCY
31 MAY NOT REDACT OR WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST.

32 Q. ANY VIDEO RECORDING THAT WOULD SUBSTANTIALLY INTERFERE WITH OR
33 JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD FROM THE
34 PUBLIC, EXCEPT THAT THE VIDEO RECORDING SHALL BE RELEASED NOT LATER THAN
35 FORTY-FIVE DAYS AFTER THE DATE OF THE MISCONDUCT ALLEGATION. IF RELEASE
36 OF A VIDEO RECORDING IS DELAYED PURSUANT TO THIS SUBSECTION, THE
37 PROSECUTING ATTORNEY SHALL PREPARE A WRITTEN EXPLANATION OF THE
38 INTERFERENCE OR JEOPARDY THAT JUSTIFIES THE DELAYED RELEASE,
39 CONTEMPORANEOUS WITH THE REFUSAL TO RELEASE THE VIDEO RECORDING. ON
40 RELEASE OF THE VIDEO RECORDING, THE PROSECUTING ATTORNEY SHALL RELEASE THE
41 WRITTEN EXPLANATION TO THE PUBLIC.

42 R. IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST A PARTY TO THE
43 INCIDENT AND THAT PARTY WISHES TO FILE A CONSTITUTIONAL OBJECTION TO THE
44 RELEASE OF THE VIDEO RECORDING IN THE PENDING CRIMINAL CASE, THAT PARTY
45 MUST FILE THE OBJECTION BEFORE THE TWENTY-ONE-DAY PERIOD EXPIRES. ONLY IN

1 CASES IN WHICH THERE IS A PENDING CRIMINAL INVESTIGATION OR PROSECUTION OF
2 A PARTY TO THE INCIDENT, THE TWENTY-ONE-DAY PERIOD BEGINS FROM THE DATE OF
3 APPOINTMENT OF COUNSEL, THE FILING OF AN ENTRY OF APPEARANCE BY COUNSEL OR
4 THE ELECTION TO PROCEED PRO SE BY THE DEFENDANT IN THE CRIMINAL
5 PROSECUTION MADE ON THE RECORD BEFORE A JUDGE. IF THE DEFENDANT ELECTS TO
6 PROCEED PRO SE IN THE CRIMINAL CASE, THE COURT SHALL ADVISE THE DEFENDANT
7 OF THE TWENTY-ONE-DAY DEADLINE FOR THE DEFENDANT TO FILE ANY
8 CONSTITUTIONAL OBJECTION TO THE RELEASE OF THE VIDEO RECORDING IN THE
9 PENDING CRIMINAL CASE AS PART OF THE COURT'S ADVISEMENT. THE COURT SHALL
10 HOLD A HEARING ON ANY OBJECTION NOT LATER THAN SEVEN DAYS AFTER IT IS
11 FILED AND ISSUE A RULING NOT LATER THAN THREE DAYS AFTER THE HEARING.

12 Sec. 2. Effective date

13 This act is effective from and after December 31, 2024.