

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 636

S.P. 198

In Senate, February 7, 2019

An Act To Require Law Enforcement Officers To Wear Body Cameras

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DESCHAMBAULT of York.
Cosponsored by Representative PICKETT of Dixfield and
Senators: CHIPMAN of Cumberland, CLAXTON of Androscoggin, MOORE of Washington,
Representatives: DOORE of Augusta, RISEMAN of Harrison.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA c. 411** is enacted to read:

3 **CHAPTER 411**

4 **BODY-WORN CAMERAS**

5 **§3841. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Body-worn camera.** "Body-worn camera" means an electronic camera system
9 for creating, generating, sending, receiving, storing, displaying and processing
10 audiovisual recordings that may be worn about the person of a law enforcement officer.

11 **2. Community caretaking function.** "Community caretaking function" means a
12 task undertaken by a law enforcement officer in which the officer is performing an
13 articulable act unrelated to the investigation of a crime. "Community caretaking
14 function" includes, but is not limited to, participating in town halls or other community
15 outreach, helping a child find the child's parents, providing death notifications, dealing
16 with individuals asking for directions or other assistance and performing in-home or
17 hospital well-being checks on persons who are sick, elderly or presumed missing.

18 **3. In uniform.** "In uniform," with respect to a law enforcement officer, means
19 wearing any officially authorized uniform designated by a law enforcement agency or
20 visibly wearing articles of clothing or other items indicating that the officer is an officer
21 acting in the course of the officer's duties, including, but not limited to, a badge, tactical
22 gear, a gun belt, a patch or other insignia.

23 **4. Law enforcement agency.** "Law enforcement agency" or "agency" has the same
24 meaning as in section 3701, subsection 1.

25 **5. Law enforcement officer.** "Law enforcement officer" or "officer" has the same
26 meaning as in section 3701, subsection 3.

27 **6. Law enforcement-related encounters or activities.** "Law enforcement-related
28 encounters or activities" includes, but is not limited to, traffic stops, pedestrian stops,
29 arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control,
30 interactions with individuals while on patrol that are not community caretaking functions
31 or any other instance in which the officer is enforcing the laws of the municipality,
32 county or state. "Law enforcement-related encounters or activities" does not include:

33 A. Activities occurring while the officer is completing paperwork alone or in the
34 presence of another officer; or

35 B. Community caretaking functions.

36 **7. Recording.** "Recording" means the process of capturing data or information
37 stored on a recording medium for the retention and playback of recorded audio and video

1 including, but not limited to, hard drive, cloud storage, solid state, digital or flash
2 memory technology or any other electronic medium.

3 **§3842. Use of body-worn cameras required**

4 Beginning January 1, 2021, a law enforcement agency shall ensure that each law
5 enforcement officer in its employ is equipped with a body-worn camera and that such
6 body-worn camera is in operation and creating a recording at all times the officer is in
7 uniform and engaged in law enforcement-related encounters or activities. No later than
8 January 1, 2021, a law enforcement agency shall adopt policies and procedures relating to
9 the use of body-worn cameras by officers in its employ and the maintenance and retention
10 of data and recordings that are consistent with the policies and procedures developed by
11 the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 3843.

12 **§3843. Model policies and procedures on the use of body-worn cameras by law**
13 **enforcement officers**

14 No later than January 1, 2020, the Board of Trustees of the Maine Criminal Justice
15 Academy in accordance with the requirements of this section shall develop and make
16 available to law enforcement agencies model policies and procedures regarding the use of
17 body-worn cameras by law enforcement officers as required under section 3842 and the
18 maintenance and retention of data and recordings by law enforcement agencies. The
19 Board of Trustees of the Maine Criminal Justice Academy shall annually review and, if
20 necessary, amend the model policies and procedures developed under this section.

21 **SUMMARY**

22 This bill requires that, beginning January 1, 2021, a law enforcement agency shall
23 ensure that each law enforcement officer in its employ is equipped with a body-worn
24 camera and that such body-worn camera is in operation and creating a recording at all
25 times the officer is in uniform and engaged in law enforcement-related encounters or
26 activities. Use of body-worn cameras by law enforcement officers and the maintenance
27 and retention of data and recordings must be consistent with model policies and
28 procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.