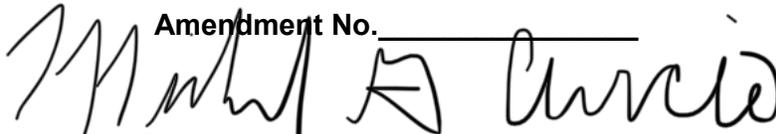


Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1999\***

**House Bill No. 2586**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by deleting subsection (u) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 10, Chapter 7, Part 5, is amended by adding the following as a new section:

**10-7-518. Requests for data collected and retained by law enforcement personnel – body-worn and in-car cameras.**

(a) Notwithstanding the requirements regarding records open to public inspection set forth by this chapter, all data recorded by body-worn or in-car camera devices by law enforcement personnel containing evidentiary value as defined in § 38-8-401 are, during the pendency of the investigation, case, operation, prosecution, or other action, confidential public records as defined in § 10-7-301, and access to the data is governed by Rule 16 of the Tennessee Rules of Criminal Procedure.

(b) Data containing evidentiary value related to an incident in which law enforcement personnel discharges a service weapon or inflicts serious bodily injury upon another is a public record and available to the public upon request, subject to subsection (a) and § 38-8-404.

(c) Data deemed confidential public records in accordance with subsection (a) is, following the closure, completion, or final disposition of the investigation, case, operation, prosecution, or other action, open to public inspection pursuant to this



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chapter, subject to a reasonable time for the requested law enforcement agency to prepare the data for release in accordance with § 38-8-404.

(d) Non-evidentiary data and data redacted pursuant to § 38-8-404 is not a public record subject to production or inspection.

(e) This section does not prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information that otherwise may be held confidential under this section.

(f) This section does not limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by this section; provided, that confidential information must be redacted before access is granted to a member of the public.

(g) This section does not limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

(h) A claim brought against a party challenging the denial of access to data deemed confidential public records in accordance with subsection (a) must be brought in a criminal court of this state with jurisdiction over the records.

(i) This section does not prevent the willful disclosure of data recorded by body-worn or in-car camera devices by a law enforcement agency.

SECTION 3. Tennessee Code Annotated, Section 16-3-816, is amended by designating the existing language as subsection (a), and adding the following language as a new subsection (b):

(b) It is the duty of the committee to provide recommendations to the general assembly on the creation and maintenance of a criminal justice technology clearinghouse as an integrated criminal justice system to develop standards for criminal justice technology and allow a law enforcement agency to share technology with other

law enforcement agencies to ensure public safety. The committee shall not consider or discuss the use of covert technology.

SECTION 4. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new part:

**38-1-801. Part definitions.**

As used in this part, unless the context otherwise requires:

(1) "Criminal justice technology" means any form of technology, electronic or otherwise, utilized by law enforcement personnel in the enforcement of law or the detection and prevention of crime, including, but not limited to:

- (A) Automated license plate recognition systems, as defined in § 55-10-302;
- (B) Body-worn cameras, as defined in § 38-8-401;
- (C) Drones, as defined in § 39-13-609;
- (D) Electronic monitoring devices;
- (E) Facial recognition systems;
- (F) In-car cameras, as defined in § 38-8-401;
- (G) Object recognition systems; and
- (H) Unmanned aircraft, as defined in § 39-13-901;

(2) "Electronic monitoring device" means a device used to remotely monitor an individual's location or the drug or alcohol content of an individual's blood or breath for the purposes of an order of protection, pretrial release conditions, bond conditions, probation, parole, or another use ordered by the court, including, but not limited to:

- (A) Ignition interlock devices;
- (B) Global positioning monitoring devices;
- (C) Transdermal monitoring devices; and
- (D) Other alternative alcohol or drug monitoring devices;

(3) "Facial recognition system" means technology that compares the facial features of an individual to available images for identification or authentication; and

(4) "Object recognition system" means technology that compares the features of an object to available images for identification or authentication.

**38-1-802. Preemption of local regulation of criminal justice technology.**

(a) Except as otherwise expressly permitted by state law, the state preempts the entire field of determining the appropriate use of criminal justice technology. A county, city, town, municipality, or metropolitan form of government does not have the authority by ordinance, resolution, regulation, or other local law to permit the use of any technology prohibited by this part or to prohibit or effectively prohibit the use of technology permitted by this part. An ordinance, resolution, regulation, or other local law enacted or adopted prior to July 1, 2022, regulating criminal justice technology in a manner inconsistent with this part is superseded and repealed. A policy, guideline, or practice of an agency, department, or employee of a county, city, town, municipality, or metropolitan form of government that regulates criminal justice technology in a manner inconsistent with state law is void.

(b) A county, city, town, municipality, or metropolitan form of government does not have the authority by ordinance, resolution, regulation, or other local law to restrict a private company from sharing data with a law enforcement agency that was obtained through the use of technology substantively similar to criminal justice technology.

(c) The use of criminal justice technology not expressly prohibited by this part is permitted under this part.

(d) The following criminal justice technologies are permitted under this part:

(1) Automated license plate recognition systems, as defined in § 55-10-302;

(2) Body-worn cameras, as defined in § 38-8-401;

(3) Drones, as defined in § 39-13-609;

- (4) Electronic monitoring devices;
- (5) Facial recognition systems;
- (6) In-car cameras, as defined in § 38-8-401;
- (7) Object recognition systems; and
- (8) Unmanned aircraft, as defined in § 39-13-901.

**38-1-803. Criminal justice technology clearinghouse.**

(a) The integrated criminal justice steering committee, created by § 16-3-815, shall provide recommendations to the general assembly on the creation and maintenance of a criminal justice technology clearinghouse to develop standards for criminal justice technology and allow a law enforcement agency to share technology with other law enforcement agencies to ensure public safety. The committee shall not consider or discuss covert technology.

(b) The committee shall report its findings to the chair of the appropriate standing committees of the house of representatives and senate no later than July 1, 2023.

**38-1-804. Contracts on storage.**

A vendor of software for the storage of data obtained by law enforcement through the use of criminal justice technology must offer compatibility with existing law enforcement data systems.

SECTION 5. Tennessee Code Annotated, Title 38, Chapter 8, is amended by adding the following as a new part:

**38-8-401. Part definitions.**

As used in this part, unless the context otherwise requires:

(1) "Body-worn camera" means an electronic device worn by law enforcement personnel that records both audio and video data;

(2) "Data" means any audio or visual recording captured by a body-worn or in-car camera;

(3) "Evidentiary value" means data that, either audibly or visibly, contributes to the preparation or execution of an investigation, case, operation, prosecution, or other actions by a law enforcement agency in furtherance of the agency's professional duties;

(4) "In-car camera" means an electronic device installed in a law enforcement vehicle that records both audio and video data;

(5) "Law enforcement agency" has the same meaning as defined in § 38-1-502;

(6) "Law enforcement personnel" means an individual employed by a law enforcement agency, including, but not limited to, an officer certified pursuant to § 38-8-107;

(7) "Law enforcement vehicle" means a vehicle used by a law enforcement agency and law enforcement personnel in the prevention and detection of crime and the enforcement of laws and local ordinances; and

(8) "Personal information" means information that identifies a person, including an individual's photograph, or computerized image, social security number, driver identification number, name, address excluding the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver license or registration status.

**38-8-402. Consistent policies for the use of body-worn and in-car cameras.**

(a) A law enforcement agency currently using or planning to use body-worn or in-car cameras shall adopt written policies consistent with this part.

(b) All law enforcement personnel that will be outfitted with a body-worn or in-car camera must be knowledgeable of the agency's body-worn and in-car camera policies and supplied with the necessary training for the proficient use and maintenance of the camera.

(c) An adopted body-worn and in-car camera policy must be periodically reviewed and, if necessary, amended to maintain consistency with this part, account for changes in technology, and develop and incorporate best practices.

(d) The policy adopted by a law enforcement agency must include, at a minimum, guidelines on camera use to:

(1) Ensure cameras are worn or installed in a location and manner that maximizes the device's use; and

(2) Provide standards for when law enforcement personnel should enable and disable the device, including:

(A) Requiring the law enforcement personnel to have the device on and recording upon initiation of a deliberate confrontation with a member of the public;

(B) In the event of an uninitiated or unintended confrontation with a member of the public, a requirement that the law enforcement personnel have the device on and recording when it is reasonably safe to do so; and

(C) Requiring the law enforcement personnel to audibly state the reason or justification for deactivating a recording device while still on scene or interacting with a member of the public.

(e) The policies adopted by a law enforcement agency must explicitly incorporate the law enforcement agency's disciplinary process or policy for failure to adhere to the requirements of subsection (d).

(f) The policies adopted by a law enforcement agency may be redacted to the extent such policies impact officer safety.

**38-8-403. Consistent policies for the retention of body-worn and in-car camera data.**

(a) A law enforcement agency currently using or planning to use body-worn or in-car cameras shall adopt written policies consistent with this part.

(b) All law enforcement personnel that will be expected to carry out the custodial duties surrounding the data collected by a body-worn or in-car camera must be knowledgeable of the agency's body-worn and in-car camera policies and supplied with the necessary training for the proficient use and maintenance of the data.

(c) A policy adopted by a law enforcement agency regarding data retention must be periodically reviewed and, if necessary, amended to maintain consistency with this part, account for changes in technology, and develop and incorporate best practices.

(d) Except as provided in subsections (e) and (f), data captured by body-worn and in-car cameras must be retained by the law enforcement agency for a minimum of thirty (30) days, after which time the data may be deleted.

(e) Data containing evidentiary value related to a criminal investigation or case must be handled and retained in conformance with the law enforcement agency's policy or guidelines pertaining to the rules of custody and evidence.

(f) Data containing evidentiary value related to an incident in which a law enforcement personnel discharged a service weapon or inflicted serious bodily injury on a person must be handled and retained by the law enforcement agency for ninety (90) days, unless the law enforcement agency is properly notified or subpoenaed to retain the data for longer, after which time the data may be deleted.

(g) This section does not prevent the willful disclosure of data recorded by body-worn or in-car cameras by a law enforcement agency.

**38-8-404. Consistent policies for the redaction of body-worn and in-car camera data.**

(a) Data subject to disclosure pursuant to § 10-7-518 or willfully disclosed subject to § 38-8-403(g) must, to ensure privacy prior to a voluntary or statutory request for disclosure, be altered, treated, or redacted to remove or make unrecognizable:

- (1) Images of minors;
- (2) Nudity;
- (3) Deceased persons;
- (4) Extreme graphic images;
- (5) Contents and layout of private residences;
- (6) Personal information;
- (7) Information protected by HIPAA; and
- (8) Interior contents or layout of facilities licensed under title 33 or title 68.

(b) This section does not prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information that otherwise may be held confidential under § 10-7-518.

(c) This section does not limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential under § 10-7-518; provided, that confidential information must be redacted before access is granted to a member of the public.

(d) This section does not limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

(e) Any method chosen by a law enforcement agency to comply with subsection (a) of this part must be completed to the extent necessary to ensure compliance with state and federal privacy laws prior to disclosure, whether voluntary or pursuant to a request made under title 10, chapter 7, part 5.

SECTION 6. Tennessee Code Annotated, Section 40-11-116(b), is amended by deleting subdivisions (2) and (3) and substituting instead the following:

(2) Impose reasonable restrictions on the activities, movements, associations, and residences of the defendant;

(3) Impose the use of electronic monitoring devices, as defined in § 38-1-801; or

(4) Impose another reasonable restriction designed to assure the defendant's appearance, including, but not limited to, the deposit of bail pursuant to § 40-11-117.

SECTION 7. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 8. This act takes effect July 1, 2022, the public welfare requiring it.