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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1905 Session of  
2019

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INTRODUCED BY D. MILLER, A. DAVIS, KINSEY, HILL-EVANS,  
CALTAGIRONE, FRANKEL, KIM, McCLINTON AND JOHNSON-HARRELL,  
OCTOBER 15, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2019

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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.