

## **SB336 Body Cam and Car Cam Video Amendments**

**Effective July 1, 2018**

All amendments are in Section 8 starting on page 13 of the bill which amends KSA 45-254

[Link to the bill](#)      [Link to the Legislative Summary of the Bill](#)

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### **What Requesters Does this Statute Apply To? [Subsection (c)]**

Effective July 1, 2018, the following persons may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera: (1) A person who is a subject of the recording; (2) any parent or legal guardian of a person under 18 years of age who is a subject of the recording; (3) an heir at law, when a decedent is a subject of the recording; and (4) an attorney for a person described in this subsection.

Heir at Law Defined [Subsection (d)]: An heir at law means: “(A) An executor or an administrator of the decedent; (B) the spouse of the decedent, if living; (C) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (D) if there is no living spouse or adult child of the decedent, a parent of the decedent, if living.”

### **KORA Request for Body Cam and Car Cam Video [Subsection (b)]**

Any person listed above may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The request must comply with [KSA 45-220](#) and the agency may not deny a request made by an authorized person in compliance with KSA 45-220.

### **The Law Only Requires the Viewing of the Recording [Subsections (a) & (b)]**

This statute only requires the viewing of video or listening to audio recordings. It does not require, but does not prohibit, the release of the recording. Release is governed by the other KORA statutes and subsection (a) applies the KORA provisions for criminal investigation records.

### **After a Request is Made, What is the Time Line to Present the Recording? [Subsection (b)]**

The law is amended to require the agency to allow the requesting person to listen to the requested audio recording or to view the requested video recording within 20 days after making the request.

### **Can the Law Enforcement Agency Charge for Any Costs to Produce the Recording? [Subsection (b)]**

Both current and continuing law provides the law enforcement agency “may charge a reasonable fee for such services provided by the law enforcement agency.” This is a permissive provision and the agency may choose not to charge such fee. This provision is unchanged.

### **Does This Law Only Apply to Body Cam and Vehicle Cam Video? [Subsection (d)]**

The existing as well as the amended statute applies to audio or video recordings made by any recording device “worn by a law enforcement officer” or “attached to a law enforcement vehicle.” There is no change to this provision.

**No other changes were made to the laws on body cam and vehicle cam recordings in this session. However, the entire issue has been referred to the Judicial Council for study prior to the 2019 session. We will see this issue again next year.**

The author of this document is not an attorney and this is not legal advice. It is a summary of legislation passed in the 2018 Kansas legislative session and based on explanations, observations, and studies of the bill and related documents.

Always follows your agency policies and utilize your agency protocol to refer to your local prosecutors and agency attorneys for legal interpretations.