



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 636

S.P. 198

In Senate, February 7, 2019

### **An Act To Require Law Enforcement Officers To Wear Body Cameras**

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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.