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H.279

Introduced by Representatives Troiano of Stannard, Bartholomew of Hartland,
Berry of Manchester, Bissonnette of Winooski,
Chesnut-Tangerman of Middletown Springs, Christie of
Hartford, Gonzalez of Winooski, LaLonde of South Burlington,
Lefebvre of Newark, Lippert of Hinesburg, Lucke of Hartford,
Martel of Waterford, O’Sullivan of Burlington, Patt of
Worcester, Ryerson of Randolph, Stevens of Waterbury,
Sullivan of Burlington, Toleno of Brattleboro, Townsend of
South Burlington, Viens of Newport City, Walz of Barre City,
Willhoit of St. Johnsbury, Woodward of Johnson, Yantachka of
Charlotte, Young of Glover, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Public safety; law enforcement officers; video recording

Statement of purpose of bill as introduced: This bill proposes to require law
enforcement agencies to ensure that law enforcement officers engaged in law
enforcement activities are equipped with a video recording device on the
officer’s person or vehicle. The bill also proposes to require a law
enforcement officer to record on video any interaction with a person who the
officer has reasonable suspicion to believe is committing a crime or civil

1 violation. Video recording is not required under exigent circumstances or if
2 video equipment is unavailable or malfunctioning. The bill proposes to require
3 a law enforcement officer operating a vehicle containing a video recording
4 device to turn the device on whenever the vehicle's blue lights are in operation.

5 An act relating to recording of criminal and civil offenses by law
6 enforcement officers

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 20 V.S.A. § 2223 is added to read:

9 § 2223. LAW ENFORCEMENT AGENCIES; VIDEO RECORDING

10 DEVICES

11 (a) A law enforcement agency shall ensure that whenever a law
12 enforcement officer is engaged in law enforcement activities:

13 (1) the law enforcement officer is equipped with a video recording
14 device on his or her person; or

15 (2) the law enforcement officer's vehicle is equipped with a video
16 recording device.

17 (b) As used in this section:

18 (1) "Law enforcement agency" means the Department of Public Safety,
19 a municipal police department, or a sheriff's department.

1 (2) “Law enforcement officer” means a person employed by a law
2 enforcement agency who exercises law enforcement powers.

3 Sec. 2. 20 V.S.A. § 2224 is added to read:

4 § 2224. VIDEOTAPING OF OFFENSES

5 (a)(1) A law enforcement officer shall record on video any interaction with
6 a person who the officer has reasonable suspicion to believe is committing a
7 crime or civil violation.

8 (2) Video recording required by this subsection shall:

9 (A) begin no later than when the officer develops reasonable
10 suspicion to believe the person is committing a crime or civil violation;

11 (B) include:

12 (i) pursuit, apprehension, questioning, and arrest or citation of
13 the person;

14 (ii) the person being informed that the videotaping is occurring;

15 (iii) the person being advised of his or her rights under Miranda v.

16 Arizona, 384 U.S. 436 (1966); and

17 (C) conclude after arrest, citation, or release of the person.

18 (3) A videotape made pursuant to this subsection may be offered into
19 evidence in a criminal or civil proceeding.

1 (4) No videotaping shall be required under this subsection if:

2 (A) the videotape equipment malfunctioned or was inoperable at the
3 time of the incident, and reasonable efforts have been made to maintain the
4 equipment in operable condition;

5 (B) videotaping equipment was unavailable at the time of the
6 incident, and reasonable efforts have been made to make the equipment
7 available; or

8 (C) exigent circumstances existed which made videotaping the
9 incident dangerous or impracticable.

10 (b)(1) When a law enforcement officer is operating a law enforcement
11 vehicle containing mobile video recording equipment, the officer shall begin
12 operating the equipment whenever the officer initiates operation of the
13 vehicle's blue signal lights.

14 (2) This subsection shall not apply if the law enforcement officer
15 otherwise records the event pursuant to subsection (a) of this section.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2016.