



CALIFORNIA FOP LEGISLATIVE UPDATE



Alan Barcelona

California FOP 2nd VicePresident

Legislative Committee Chair

September 27, 2017

Please find below our legislative update for today.

Governor Brown has signed AB 459 (Chau) regarding body camera footage depicting rape victims.

AB 459

Chau (D)

Public records: video or audio recordings: crime.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.


This bill would specify that the act does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. The bill would require an agency to justify withholding such a video or audio recording by demonstrating that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording. The bill would require the agency to consider specified factors when balancing the public interests. The bill would authorize a victim who is a subject of such a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, to be

permitted to inspect the recording and to obtain a copy of the recording. By imposing new duties upon local agencies, the bill would impose a state-mandated local program.

Position: Support

[View Legislation the Governor Signed Yesterday](#)

Fraternally,

A handwritten signature in black ink, appearing to read "Alan Barcelona", with a long horizontal flourish extending to the right.

Alan Barcelona,
California FOP 2nd Vice President
Legislative Committee Chair