











I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | FISCAL NOTES | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | NOTES |
|--------------|--|--|----------------------|---------------|---------------|--------------|---------------------|-----------------------------|-----------------------------|
| 181-37 (COR) | Chris Barnett Telo T. Taitague William A. Parkinson Roy A. B. Quinata Christopher M. Dueñas Joe S. San Agustin Amanda L. Shelton Dwayne T.D. San Nicolas Thomas J. Fisher Tina Rose Muña Barnes | AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE USE OF BODY-WORN-CAMERAS BY UNIFORMED OFFICERS OF THE GUAM POLICE DEPARTMENT. | 9/29/23 3:12 p.m. | | | | | | Referred Version 10/4/23 |

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 181-37 (COR)

Introduced by:

Chris Barnett 
Telo T. Taitague 
William A. Parkinson 
Roy A.B. Quinata 
Christopher M. Dueñas 
Joe S. San Agustin 
Amanda L. Shelton 
Dwayne San Nicolas 
Thomas J. Fisher 
Tina Rose Muña Barnes 

**AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 77,
TITLE 10 GUAM CODE ANNOTATED RELATIVE TO
ALLOWING THE USE OF *BODY-WORN-CAMERAS* BY
UNIFORMED OFFICERS OF THE GUAM POLICE
DEPARTMENT**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A New Article 4 is *added* to Chapter 77, Title 10 Guam Code
Annotated to read as follows:

“Article 4

Body-Worn-Cameras

§ 77401. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that Body-worn cameras are video and audio
recording devices that police, sheriff and highway patrol officers wear as part of their
uniforms to document what they observe as they perform their duties. Body cameras
continue to be a popular focus for state and city lawmakers as they consider and
enact legislation to address police-community relations.

1 Body camera laws generally limit public dissemination of camera footage
2 except for statutorily specified purposes. Some jurisdictions permit the release of
3 footage to the people involved in a recording or their attorneys. Other jurisdictions
4 allow release in instances where the public interest outweighs the need for
5 confidentiality. Some jurisdictions allow the release of footage, but recordings can
6 be withheld if they reveal confidential information or identify people accused of, but
7 not charged with, a crime.

8 *I Liheslaturan Guåhan* further finds that body cams have become increasingly
9 popular in recent years as a means to prevent or document officer misconduct while
10 on duty. However, these devices are unpopular among law enforcement officers as
11 everything that they say or do while on duty is recorded including times when
12 officers have a reasonable expectation of privacy. The other concern from law
13 enforcement officers is that recorded criticism for fellow officers or supervisors may
14 be used against them. To balance the needs of the public, investigators, prosecutors,
15 defense attorneys and victims, the use and release of body cam recordings should be
16 subject to a fair and concise policy.

17 It is the intent of *I Liheslaturan Guåhan* to allow the Guam Police Department
18 to implement a body-worn-camera program and to allow the Chief of Police to
19 develop rules and regulations to administer the program.

20 **§ 77402. Body-worn-cameras (Body Cams).**

21 A body-worn-camera (body cam) is a device worn by police officers as part
22 of their uniforms. The body cam records audio and video to document what they
23 observe as they perform their duties.

24 **§ 77403. Body Cam Program.**

1 The Chief of Police (Chief) is authorized to develop a body cam program for
2 the Guam Police Department (GPD).

3 **§ 77404. Body Cam Recordings: Release.**

4 Body cam recordings are not public information as defined by Chapter 10, 5
5 GCA. The Chief of Police has the sole discretion on the release of body cam
6 recordings. Generally, body cam recordings may be released for the following
7 reasons:

8 (a) Upon a court order including warrants, subpoenas, summons or
9 discovery. Such recordings, shall remain confidential while in the possession
10 or custody of the receiving party unless ordered by a court or the Chief.

11 (b) Instances where the public interest outweighs the need for
12 confidentiality, the release of such recordings shall not occur at such time that
13 the release may impair, hinder or disrupt an investigation or trial. In instances
14 where recordings are released pursuant to this paragraph, such recordings,
15 upon release, are public information.

16 (c) For use in criminal investigations and criminal prosecutions.

17 (d) For use in internal GPD investigations, and

18 (e) Any purpose deemed appropriate by the Chief.

19 **§ 77405. Body Cam Recordings: Storage and Archiving.**

20 The Chief shall develop a storage, retention and archiving policy for body cam
21 recordings. Body cam recordings must be retained for a minimum of ninety (90)
22 days following completion of an investigation. Body cam recordings used as

1 evidence in a criminal or civil proceeding shall be retained for a period of not less
2 than three years (3) or longer, while disposition of an appeal is pending or subject to
3 a court order.

4 **§ 77406. Pilot Program Permitted.**

5 The Chief may implement the provisions of this Article as a pilot program.

6 **§ 77407. Grants and Funding.**

7 Nothing herein this Article or any other provision of law is to be construed as
8 to limit or restrict the ability for GPD to apply for and utilize grant funding for the
9 purchase, operation and maintenance of body cams. Nothing herein this Article or
10 any other provision of law is to be construed as to limit or restrict the ability for GPD
11 to apply for and utilize grant funding for the purchase, operation and maintenance
12 of body cams recording storage, retention and archiving.

13 **§ 77408. Administrative Rules and Regulations.**

14 GPD shall create administrative rules and regulations for the provisions of this
15 Article pursuant to Chapter 9, 5 GCA.”