

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 402

1 AN ACT TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM USING  
 2 BODY-WORN CAMERAS TO RECREATE PAST ENCOUNTERS; TO PROHIBIT VIDEO  
 3 AND AUDIO FOOTAGE RECORDED BY BODY-WORN CAMERAS OTHER THAN FROM  
 4 ACTUAL REAL-TIME ENCOUNTERS FROM BEING USED IN CRIMINAL  
 5 PROCEEDINGS; TO REQUIRE LAW ENFORCEMENT AGENCIES UTILIZING  
 6 BODY-WORN CAMERAS TO ADOPT POLICIES GOVERNING THEIR USAGE; AND FOR  
 7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) As used in this section, the following words  
 10 and phrases have the meanings ascribed in this subsection unless  
 11 the context clearly indicates otherwise:

12 (a) "Body-worn camera" means a portable electronic  
 13 recording device that is worn on a law enforcement officer's body  
 14 and which records audio and video in the course of the officer  
 15 performing his or her activities.

16 (b) "Law enforcement officer" means the same as that  
 17 term is defined in Section 45-6-3.

18 (2) A body-worn camera worn by a law enforcement officer in  
 19 the State of Mississippi may not be used for the purpose of  
 20 staging, reenacting or in any other manner recreating a past



21 encounter, search or other official law enforcement or public  
22 safety activity. A law enforcement officer may activate a  
23 body-worn camera only for real-time documentation of an actual  
24 encounter, search or other official activity.

25 (3) Video and audio footage recorded in violation of this  
26 section may not be used as evidence in criminal proceedings  
27 instituted against a person who was a subject of the law  
28 enforcement encounter, search or activity.

29 (4) Each state and local agency that issues body-worn  
30 cameras to law enforcement officers employed by that agency shall  
31 adopt a policy governing the use of body-worn cameras. The policy  
32 must include, at a minimum, the provisions of this section.

33 **SECTION 2.** This act shall take effect and be in force from  
34 and after July 1, 2024.

