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## FISCAL IMPACT REPORT

SPONSOR Anyanonu LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 02/20/23  
SHORT TITLE Municipality Preservation of Video Recordings BILL NUMBER House Bill 405  
ANALYST Hitzman

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to SB368

### Sources of Information

LFC Files

No Response Received

State Records Center and Archives

Municipal League

Department of Finance and Administration

## SUMMARY

### Synopsis of House Bill 405

House Bill 405 (HB405) requires a municipality to preserve all audio and video recordings from every camera for a minimum of 185 days if that municipality monitors or has the ability to monitor 35 or more cameras within that municipality. Cameras include security footage, traffic and dash cameras, but not lapel cameras.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

## FISCAL IMPLICATIONS

The bill does not contain an appropriation. The only fiscal impact resulting from HB405 would likely be limited to the costs of maintaining additional audio and video recording files for the period of time specified. It is unknown if municipalities would have the capacity within existing budgets to absorb that cost, but there would not be a budget impact to the state.

## **SIGNIFICANT ISSUES**

It is likely the bill provides an exception for saving lapel camera footage because body camera footage is already required to be saved for no less than 120 days under existing statute passed in 2020 regarding law enforcement body cameras. HB405, however, does provide for footage to be saved for 185 days, rather than 120 days as required for body camera footage in that prior statute.

The bill only applies to municipalities monitoring more than 35 cameras, or those which have “the ability to” monitor 35 cameras. It is unclear what municipalities already operate 35 cameras, and it is even more uncertain what municipalities would be “able to” monitor 35 cameras. It is unclear if that would apply to municipalities who have the budget to purchase 35 cameras, municipalities that have had 35 cameras in the past, or whether de-commissioned or un-operable cameras would count towards that 35 camera count.

Current record retention policies for municipalities (as published by the Municipal League) note that video recordings shall be retained until information value ends, then the records must be transferred to archives for review. The only requirements regarding audio retention relates to 911 calls, which are required to be saved for three years after the date of call.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to SB368, which seeks to amend law regarding law enforcement body cameras, however SB368 does not amend the sections related to footage retention.

JH/rl/ne