

117TH CONGRESS  
1ST SESSION

# H. R. 3248

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a body-worn camera partnership grant program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2021

Mr. GUEST introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a body-worn camera partnership grant program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Body-worn  
5 Camera Act of 2021” or the “ABC Act of 2021”.

1 **SEC. 2. BODY-WORN CAMERA PARTNERSHIP GRANT PRO-**  
2 **GRAM.**

3 Subpart 1 of part E of title I of the Omnibus Crime  
4 Control and Safe Streets Act of 1968 (34 U.S.C. 10151  
5 et seq.) is amended by adding at the end the following:

6 **“SEC. 509. BODY-WORN CAMERA PARTNERSHIP GRANT**  
7 **PROGRAM.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘covered government’ means a  
10 State or unit of local government; and

11 “(2) the term ‘Director’ means the Director of  
12 the Bureau of Justice Assistance.

13 “(b) AUTHORIZATION OF GRANTS.—The Director  
14 may make grants to eligible covered governments for use  
15 by the covered government for—

16 “(1) the purchase of body-worn cameras or  
17 other audio-video technology that is utilized to  
18 record interactions between law enforcement and the  
19 public;

20 “(2) necessary initial supportive technological  
21 infrastructure for body-worn cameras or other tech-  
22 nologies for law enforcement officers in the jurisdic-  
23 tion of the grantee;

24 “(3) the development of policies and procedures  
25 relating to the use of body-worn cameras or other  
26 technologies;

1           “(4) training on the use of body-worn cameras  
2 or other technologies; and

3           “(5) the storage, retention, viewing, auditing,  
4 and release of footage from body-worn cameras or  
5 other technologies.

6           “(c) ELIGIBILITY.—

7           “(1) APPLICATION.—For a covered government  
8 to be eligible to receive a grant under this section,  
9 the chief executive officer of the covered government  
10 shall submit to the Director an application in such  
11 form and containing such information as the Direc-  
12 tor may require.

13           “(2) POLICIES AND PROCEDURES ASSUR-  
14 ANCES.—The application under paragraph (1) shall,  
15 as required by the Director, provide assurances that  
16 the covered government will establish policies and  
17 procedures in accordance with subsection (d).

18           “(d) REQUIRED POLICIES AND PROCEDURES.—

19           “(1) IN GENERAL.—A covered government re-  
20 ceiving a grant under this section shall develop poli-  
21 cies and procedures related to the use of body-worn  
22 cameras or other technologies that—

23           “(A) are developed with input from law en-  
24 forcement officers who are not supervisors, or  
25 the representatives of such officers;

1           “(B) are developed with community input,  
2 including from prosecutors and organizations  
3 representing crime victims, in accordance with  
4 recognized best practices;

5           “(C) require that a body-worn camera or  
6 other technologies be activated when a law en-  
7 forcement officer arrests or detains any person  
8 in the course of the official duties of the officer,  
9 with consideration to sensitive cases;

10          “(D) apply discipline to any law enforce-  
11 ment officer who intentionally fails to ensure  
12 that a body-worn camera or other technology is  
13 engaged, functional, and properly secured at all  
14 times during which the camera is required to be  
15 worn;

16          “(E) require training for—

17               “(i) the proper use of body-worn cam-  
18 eras or other technologies; and

19               “(ii) the handling and use of the ob-  
20 tained video and audio recordings;

21          “(F) provide clear standards for privacy,  
22 data retention, and use for evidentiary purposes  
23 in a criminal proceeding, including in the case  
24 of an assault on a law enforcement officer; and

1           “(G) make footage available to the public  
2           in response to a valid request under an applica-  
3           ble freedom of information law if the footage  
4           can be made available—

5                   “(i) without compromising an ongoing  
6                   investigation or revealing the identity of  
7                   third parties, including victims, inform-  
8                   ants, or witnesses; and

9                   “(ii) with consideration given to the  
10                  rights of victims and surviving family  
11                  members.

12               “(2) PUBLICATION.—A covered government re-  
13               ceiving a grant under this section shall make all  
14               policies and procedures regarding body-worn cam-  
15               eras or other technologies available on a public  
16               website.

17               “(3) GUIDANCE.—The Director shall issue  
18               guidance to covered governments related to the re-  
19               quirements under paragraph (1).

20               “(e) GRANT AMOUNTS.—

21                   “(1) MINIMUM AMOUNT.—

22                           “(A) IN GENERAL.—Each fiscal year, un-  
23                           less the Director has awarded a fully funded  
24                           grant for each eligible application submitted by  
25                           a State and any units of local government with-

1 in the State under this section for the fiscal  
2 year, the Director shall allocate to the State  
3 and units of local government within the State  
4 for grants under this section an aggregate  
5 amount that is not less than 0.5 percent of the  
6 total amount appropriated for the fiscal year  
7 for grants under this section.

8 “(B) CERTAIN TERRITORIES.—For pur-  
9 poses of the Virgin Islands, American Samoa,  
10 Guam, and the Northern Mariana Islands, sub-  
11 paragraph (A) shall be applied by substituting  
12 ‘0.25 percent’ for ‘0.5 percent’.

13 “(2) AGGREGATE AMOUNT PER STATE.—A  
14 State and each covered government within the State  
15 may not receive grants under this section for a fiscal  
16 year in an aggregate amount that is more than 10  
17 percent of the total amount appropriated for grants  
18 under this section for the fiscal year.

19 “(3) ALLOCATION.—

20 “(A) IN GENERAL.—Except as provided in  
21 subparagraph (B), of funds available in any fis-  
22 cal year—

23 “(i) not more than 40 percent shall be  
24 allocated for grants pursuant to applica-  
25 tions submitted by a covered government

1           having jurisdiction over areas with popu-  
2           lations exceeding 150,000;

3           “(ii) not more than 30 percent shall  
4           be allocated for grants pursuant to applica-  
5           tions submitted by a covered government  
6           having jurisdiction over areas with popu-  
7           lations of 150,000 or less, but exceeding  
8           50,000; and

9           “(iii) not more than 30 percent shall  
10          be allocated for grants pursuant to applica-  
11          tions submitted by a covered government  
12          having jurisdiction over areas with popu-  
13          lations of 50,000 or less.

14          “(B) EXCEPTION.—In the case that all eli-  
15          gible grant applications have been funded for a  
16          fiscal in an allocation category under clauses (i)  
17          through (iii) of subparagraph (A) and there are  
18          funds remaining under that allocation category,  
19          the Director may make such funds available to  
20          applicants described in the remaining allocation  
21          categories.

22          “(f) MATCHING FUNDS.—The portion of the costs of  
23          a body-worn camera program provided by a grant under  
24          this section may not exceed 75 percent.

1       “(g) SUPPLEMENT, NOT SUPPLANT.—Funds made  
2 available under this section shall not be used to supplant  
3 covered government funds, but shall be used to increase  
4 the amount of funds that would, in the absence of Federal  
5 funds, be made available from covered government sources  
6 for the purposes of this section.

7       “(h) REPORTS TO THE DIRECTOR.—A covered gov-  
8 ernment that receives a grant under this section shall sub-  
9 mit to the Director, for each year in which funds from  
10 a grant received under this section are expended, a report  
11 at such time and in such manner as the Director may rea-  
12 sonably require, that contains—

13               “(1) a summary of the activities carried out  
14       under the grant and an assessment of whether the  
15       activities are meeting the needs identified in the  
16       grant application; and

17               “(2) such other information as the Director  
18       may require.

19       “(i) REPORTS TO CONGRESS.—Not later than 90  
20 days after the end of a fiscal year for which grants are  
21 made under this section, the Director shall submit to Con-  
22 gress a report that includes—

23               “(1) the aggregate amount of grants made  
24       under this section to each covered government for  
25       the fiscal year;



1           “(2) a summary of the information provided by  
2 covered governments receiving grants under this sec-  
3 tion; and

4           “(3) a description of the priorities and plan for  
5 awarding grants among eligible covered govern-  
6 ments, and how the plan will ensure the effective use  
7 of body-worn cameras to protect public safety.

8           “(j) DIRECT APPROPRIATIONS.—For the purpose of  
9 making grants under this section there is authorized to  
10 be appropriated, and there is appropriated, out of amounts  
11 in the Treasury not otherwise appropriated, to remain  
12 available until expended—

13           “(1) \$40,000,000 for fiscal year 2022;

14           “(2) \$45,000,000 for fiscal year 2023;

15           “(3) \$50,000,000 for fiscal year 2024;

16           “(4) \$55,000,000 for fiscal year 2025; and

17           “(5) \$60,000,000 for fiscal year 2026.”.

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