

2020 South Dakota Legislature
Senate Bill 100

AMENDMENT 100A FOR THE INTRODUCED BILL

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to establish a legislative study to study regulation of portable recording**
2 **devices and related policies.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby established a legislative study comprised of a total of sixteen
5 members, with any vacancy on the study to be filled in the same manner as the original
6 appointment, and including:

7 (1) Three members of the Senate, two of whom to be members of the Republican party
8 and one of whom to be a member of the Democrat party;

9 (2) Three members of the House of Representatives, two of whom to be members of
10 the Republican party and one of whom to be a member of the Democrat party;

11 (3) The attorney general;

12 (4) One member from the South Dakota Sheriff's Association;

13 (5) One member from the South Dakota Police Chiefs' Association;

14 (6) One member of tribal law enforcement;

15 (7) One member from the Unified Judicial System;

16 (8) One member of the American Civil Liberties Union of South Dakota;

17 (9) One member who is a representative of the South Dakota Broadcasters
18 Association;

19 (10) One member who is a representative of the South Dakota Newspapers Association;

20 (11) One member who is a public defender; and

21 (12) One member who is an expert in data storage and retention.

22 Section 2. The legislative study established under section 1 of this Act shall study and
23 evaluate:

- 1 (1) Use of portable recording systems;
- 2 (2) Storage and retention of data generated by portable recording systems, whether
- 3 by an entity or third-party;
- 4 (3) Inspection and release of data generated by portable recording systems, whether
- 5 by an entity or third-party;
- 6 (4) Use of portable recording systems in conjunction with other technologies, including
- 7 facial recognition technology and redaction technology;
- 8 (5) Procedures for the preservation, use, inspection, and release of portable recording
- 9 system data that:
 - 10 (a) Documents the use of force by a law enforcement officer;
 - 11 (b) Documents potential civil and criminal actions against a law enforcement
 - 12 officer;
 - 13 (c) May result in disciplinary actions against a law enforcement officer; or
 - 14 (d) May be used as evidence against a member of the public in a criminal or
 - 15 civil action; and
- 16 (6) Any cost or fee associated with the:
 - 17 (a) Purchase, upkeep, and maintenance of portable recording systems;
 - 18 (b) Storage of data; or
 - 19 (c) Inspection or disclosure of data; and
- 20 (7) Any policy associated with the:
 - 21 (a) Use of data for internal training purposes;
 - 22 (b) Sharing of data with an entity who did not generate the data;
 - 23 (c) Use of data by law enforcement officers for assistance in completing any
 - 24 reports, statements, or interviews;
 - 25 (d) Upkeep, maintenance, and replacement of equipment to ensure continuity
 - 26 of use in the field and secure storage;
 - 27 (e) Use of data for evidentiary purposes;
 - 28 (f) Violations of any policies or laws regarding portable recording systems;
- 29 (8) Any technical specifications for:
 - 30 (a) Portable recording systems; or
 - 31 (b) Data retention, security, and storage;
- 32 (9) Any decision-making process or appeals process for the inspection, review,
- 33 disclosure, or release of data; and
- 34 (10) State and local funding options for portable recording systems or data storage.

1 **Section 3.** The legislative study established under section 1 of this Act shall report to the
2 Legislature and the Governor before the beginning of the Ninety-Sixth Legislative Session,
3 including any draft legislation or policy recommendations.

4 **Section 4.** The legislative study established under section 1 of this Act shall be under the
5 supervision of the Executive Board of the Legislative Research Council and staffed and funded
6 as an interim legislative committee.