

By: Representative Ford (73rd)

To: Judiciary B

HOUSE BILL NO. 448

1 AN ACT TO PROHIBIT A PERSON WHO IS NOT THE SUBJECT OF POLICE  
 2 CONTACT FROM VIDEO RECORDING LAW ENFORCEMENT ACTIVITY WITHIN A  
 3 CERTAIN NUMBER OF FEET OF THE LAW ENFORCEMENT OFFICER WHEN THE  
 4 OFFICER HAS GIVEN A CLEAR, VERBAL INSTRUCTION TO THE PERSON TO  
 5 STAND NO LESS THAN FIFTEEN FEET AWAY FROM THE LAW ENFORCEMENT  
 6 ACTIVITY; TO REQUIRE ANY PERSON WHO IS NOT THE SUBJECT OF POLICE  
 7 CONTACT TO OBTAIN THE LAW ENFORCEMENT OFFICER'S PERMISSION BEFORE  
 8 RECORDING THE ACTIVITIES OF THE LAW ENFORCEMENT OFFICER; TO  
 9 AUTHORIZE A PERSON WHO IS THE SUBJECT OF CONTACT WITH A LAW  
 10 ENFORCEMENT OFFICER TO RECORD THE CONTACT WITHOUT REQUIRING  
 11 PERMISSION OF THE LAW ENFORCEMENT OFFICER; TO AUTHORIZE A PERSON  
 12 WHO IS THE OCCUPANT OF A VEHICLE STOP BY A LAW ENFORCEMENT OFFICER  
 13 TO RECORD ALL ACTIVITY WITHOUT FIRST OBTAINING THE PERMISSION OF  
 14 THE LAW ENFORCEMENT OFFICER; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) (a) Except as otherwise provided in this  
 17 section, it shall be unlawful for a person on public property who  
 18 is not the subject of contact with a law enforcement officer to  
 19 knowingly make a video recording of any law enforcement activity  
 20 while standing less than fifteen (15) feet away from the law  
 21 enforcement activity when the officer has given a clear, verbal  
 22 instruction to the person to stand no less than fifteen (15) feet  
 23 away from the law enforcement activity.



24           The provisions of this section shall not be construed to  
25 prohibit any law enforcement officer from requiring a person to  
26 stand more than fifteen (15) away from any law enforcement  
27 activity.

28           (b) When the law enforcement activity occurs on private  
29 property in an enclosed structure, a person who is the owner of or  
30 has authority to manage or control the private property may make a  
31 video recording of the law enforcement activity from an adjacent  
32 room or area that is less than fifteen (15) feet away from where  
33 the activity is occurring, unless the law enforcement officer  
34 determines that: (i) the person is interfering in the law  
35 enforcement activity, (ii) it is not safe for the person to be in  
36 the enclosed area and orders the person to stop recording or to  
37 leave the area; or the person needs to stand more than fifteen  
38 (15) feet away from where the activity is occurring.

39           (c) Any person convicted for violation of this section  
40 shall be guilty of a misdemeanor and fined no less than Five  
41 Hundred Dollars (\$500.00), nor more than One Thousand Dollars  
42 (\$1,000.00) and/or imprisoned in the custody of the county jail up  
43 to six (6) months. Upon conviction for a second or subsequent  
44 violation of this section, a person shall be guilty of a  
45 misdemeanor and fined no less than Two Thousand Dollars  
46 (\$2,000.00) and/or imprisoned in the custody of the county jail  
47 for twelve (12) months.



48 (d) No person shall be found in violation of this act  
49 if the law enforcement officer does not provide a clear, verbal  
50 instruction to the person to stand no less than fifteen (15) feet  
51 away from the law enforcement activity.

52 (2) (a) Any person who is the subject of contact with a law  
53 enforcement officer may record all contact with the law  
54 enforcement officer, including searching, handcuffing or  
55 administering a field sobriety test without being required to  
56 obtain the permission of the law enforcement officer and without  
57 interfering with the lawful actions of the law enforcement  
58 officer.

59 (b) The occupant of a vehicle who is the subject of a  
60 police stop is authorized to record all contact of any other  
61 occupant of the vehicle with a law enforcement officer without  
62 being required to obtain the permission of the law enforcement  
63 officer and without interfering with the lawful actions of the law  
64 enforcement officer.

65 (3) The provisions of this section shall not be construed to  
66 create a right or authorize any person to make a video recording  
67 of law enforcement activity.

68 **SECTION 2.** This act shall take effect and be in force from  
69 and after its passage.

