

111TH CONGRESS
2D SESSION

H. CON. RES. 298

Expressing the sense of Congress that the videotaping or photographing of police engaged in potentially abusive activity in a public place should not be prosecuted in State or Federal courts.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2010

Mr. TOWNS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that the videotaping or photographing of police engaged in potentially abusive activity in a public place should not be prosecuted in State or Federal courts.

Whereas prosecutors in several States are applying State wiretapping laws in the prosecution of individuals for the videotaping of police engaged in potentially abusive activity;

Whereas State and Federal wiretapping laws were not intended to be used for such charges;

Whereas some police departments have been using national security as a justification for the harassment, charges, or an arrest of individuals, based solely on a citizen recording, with no additional factors considered;

Whereas a study conducted by the U.S. Department of Justice in 2000 indicated that 22 percent of police officers claim their fellow officers sometimes, often, or always use excessive force; and

Whereas the privacy and safety rights of the police officers in the line of duty must be balanced carefully with the public's right to transparency and accountability of public servants: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) citizen recording fills in gaps in existing
4 checks against law enforcement abuses, when bal-
5 anced with the needs of law enforcement, police pri-
6 vacy, and citizen privacy;

7 (2) national security alone is insufficient jus-
8 tification for harassment, charges, or an arrest for
9 otherwise innocent behavior, such as videotaping;
10 and

11 (3) members of the public have a right to ob-
12 serve, and if they choose, to make video or sound re-
13 cordings of the police during the discharge of their
14 public duties, as long as they do not physically or
15 otherwise interfere with the officers' discharge of
16 their duties, or violate any other State or Federal
17 law, intended to protect the safety of police officers,
18 in the process of the recording.

