

New “Kobe Bryant Privacy Law” Bans Accident Scene Photography by First Responders

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In the wake of the tragic helicopter crash that claimed the life of Kobe Bryant and eight other victims, the Legislature passed AB 2655, making it a misdemeanor for first responders to take unauthorized photographs of deceased persons at accident or crime scenes. AB 2655 adds Section 647.9 to the Penal Code and amends Penal Code section 1524.)

Known as the Kobe Bryant Law, AB2655 was enacted after media reports that public safety personnel who responded to the crash scene may have shared photographs of the deceased victims. The Legislature sought to protect the privacy and dignity of the deceased, and penalize public officials who breach the public trust by using their unique access and authority to document tragic events for personal fulfillment.

The new law makes it a crime for any first responder who responds to the scene of an accident or crime and to take photographs of a deceased person by any means, including either a personal electronic device or one belonging to the employing agency, unless the picture is taken for an official law

enforcement purpose or to advance a genuine public interest.

This law defines a “first responder” as a state or local peace officer, firefighter, paramedic, emergency medical technician, rescue service personnel, emergency manager, coroner, or employee of a coroner.

The new law also allows law enforcement to obtain a search warrant to seize first responder’s personal electronic devices that may contain evidence that a violation of the new law has occurred. The law limits a search warrant to a criminal investigation under this law and other public offenses and excludes evidence of department policy violations.

The bill requires first responder agencies to notify their employees of this new law by January 1, 2021.

Paramedics and EMTs should also know that violation of this new law could subject them to discipline by their Local EMS Agency or the State EMS Authority that could result in having their license suspended or revoked.

The takeaway for all first responders is that taking photos of deceased persons in the line of duty without a law enforcement purpose or to advance a genuine public interest could result in criminal charges being filed against them. Stay Professional.

Stay Safe and Healthy!

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