



## Right to Record Act of 2026

*Establishes the right to sue individual law enforcement agents if they violate First Amendment rights, including the right to record, observe, or peacefully protest.*

It is unacceptable to have masked, armed, and often untrained individuals roaming our streets without any accountability. Members of the Trump Administration have sought to fictionalize incidents involving officers and peaceful protesters exercising their First Amendment rights. Without firsthand accounts, the public would have been misled, and incidents would have been obfuscated to push a political narrative. Restricting individuals from recording allows for unlawful behavior to remain concealed.

The First Amendment protects the right to assemble and express views through protest, and the right to observe government officials conducting their public duties. It also protects the right to take photos and videos of law enforcement officers performing their duties in public. This applies to government officials, including U.S. Immigration and Customs Enforcement (ICE) agents and police.

While the right to document and record law enforcement and federal agents is protected by the Constitution, constitutionally protected rights have been disregarded and violated in the past. Some officers retaliate by making threats, spraying chemical irritants, and arresting people recording them.<sup>1</sup>

The Memphis Safe Task force is currently being sued by the American Civil Liberties Union based on accusations of violating first Amendment rights by targeting individuals who observed and recorded police.<sup>2</sup> Far too often we have seen that recordings captured by citizens reveal abuses of authority about what is occurring in the streets of many of our American cities.

The recent murders of Renee Nicole Good and Alex Pretti by ICE agents were both caught on camera by bystanders. Congress must act now before anyone else has their constitutional rights trampled upon.

**The Right to Record Act of 2026** would add new consequences for federal law and immigration enforcement officers who prevent individuals from recording enforcement activities.

A violation of this act includes preventing or attempting to prevent a person from recording, observing, or peacefully protesting law enforcement activities. In addition, officers must not pursue a person to a different location, conduct surveillance of an individual to intimidate them, demand identification from an individual because they are recording, or command that an individual stop recording.

If officers try to stop anyone from filming (or retaliate against them if they do film,) this bill ensures the ability to sue individual officers.

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<sup>1</sup> "Recording and Documenting Police and Federal Agents." American Civil Liberties Union. Accessed February 3, 2026. <https://www.aclu.org/know-your-rights/recording-and-documenting-police-and-federal-agents>.

<sup>2</sup> "ACLU Alleges Memphis Task Force Systematically Intimidates." Vanguard News Group. Accessed May 20, 2026. <https://davisvanguard.org/2026/05/memphis-police-accountability-lawsuit/>.