

HB 3242 -1, -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/22, 4/10

WHAT THE MEASURE DOES:

Requires peace officer to electronically record interviews with youth when investigating crime, or allegation that youth committed act that if committed by adult would constitute a crime. Requires law enforcement agency to store recording. Requires state to provide copy of recording to youth's attorney. Exempts recording from prohibition against recording conversation without informing all parties to conversation.

ISSUES DISCUSSED:

- Applicability of measure
- Brain development
- Examples of false confessions
- Definition of custodial interrogation

EFFECT OF AMENDMENT:

-1 Replaces measure. Requires peace officer in law enforcement facility to electronically record custodial interview of minor in connection with investigation into person felony, or an allegation that the person being interviewed committed act that, if committed by an adult, would constitute a person felony. Requires recording of these interviews even when law enforcement agency employs five or fewer peace officers. Allows court in juvenile delinquency proceeding to consider violation of this provision, when no exceptions apply, when determining whether to admit statement into evidence and, if admitted, the evidentiary value of the statement.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

-2 Incorporates the -1. Provides exemption from recording for law enforcement agency with five or fewer peace officers.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

In 2009, the legislature passed Senate Bill 309. SB 309 required peace officers to electronically record custodial interviews that occur in a law enforcement facility if the interview is in connection with investigations into aggravated murder and certain felonies. House Bill 3242 requires peace officers to electronically record interviews with youth when the interview is in connection to a criminal investigation or an allegation that the youth committed an act that if committed by an adult would constitute a crime. It also requires the law enforcement agency that created the recording to preserve it until the youth has been adjudicated or convicted and has exhausted all appeals or the offense is no longer actionable. HB 3242 mandates that this recording be provided in discovery to the youth's

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attorney. Finally, HB 3242 exempts these recordings from the prohibition against recording a conversation without informing all participants that they are being recorded.