

**HB 3242 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Gorsek

**House Committee On Judiciary**

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**Action Date:** 04/18/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

**Exc:** 1 - Sprenger

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

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 adult, would constitute a person felony. Allows court in juvenile delinquency proceeding to consider violation of this provision, when no exceptions apply, when determining the evidentiary value of the statement.

**ISSUES DISCUSSED:**

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

**EFFECT OF AMENDMENT:**

Replaces measure.

**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-A requires a peace officer in a law enforcement facility to electronically record a custodial interview of a minor in connection with an investigation into a person felony, or an allegation that the person being interviewed committed an act that, if committed by adult, would constitute a person felony. It also allows the court in juvenile delinquency proceeding to consider violation of this provision, when no exceptions apply, when determining the evidentiary value of the statement. Some of the applicable exceptions are for grand jury testimony or when a law enforcement agency employs five or fewer peace officers.