

HB 3242 B STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 05/30/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Requires peace officer in law enforcement facility to electronically record custodial interview of minor in connection with investigation into felony, or an allegation that the person being interviewed committed act that, if committed by adult, would constitute a felony. Allows court in juvenile delinquency proceeding to consider violation of this provision, when no exceptions apply, when determining evidentiary value of the statement.

ISSUES DISCUSSED:

- Exceptions to the recording requirement
- Remedy for violation of this statute is a jury instruction on the weight or use of the evidence; the measure does not call for exclusion of the evidence
- Example of false confession by a juvenile
- Development of executive functioning of the brain is not fully mature until early adulthood
- Executive functioning is responsible for decision making

EFFECT OF AMENDMENT:

Expands recording requirement to include all felonies.

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-B 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 felony, or an allegation that the person being interviewed committed an act that, if committed by adult, would constitute a felony. It also allows the court in a 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.