

HB 3261 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 05/09/19

Action: Do pass the A-Eng bill.

Vote: 4-0-1-2

Yeas: 4 - Fagan, Gelser, Manning Jr, Prozenski

Exc: 1 - Thatcher

Abs: 2 - Bentz, Linthicum

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Addie Smith, Counsel

Meeting Dates: 5/9

WHAT THE MEASURE DOES:

Requires peace officers equipped with a body camera to record all custodial interviews of persons under 18 years of age in the course of investigating acts that would constitute felony and misdemeanor crimes if committed by an adult, regardless of where the interview occurs. Provides an exception where the person's age was unknown to the officer or would not have been objectively apparent to a reasonable officer.

ISSUES DISCUSSED:

- Brain development of youth and susceptibility to interrogation tactics
- Cases where recorded custodial interviews of youth proved helpful to youth and prosecutors
- National best practices for juvenile custodial interviews

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2017, The Legislative Assembly enacted House Bill 3242, which required police officers to record interviews of youth under 18 years of age in law enforcement facilities in connection with investigations into acts that would constitute a felony if committed by an adult. See ORS 133.400.

House Bill 3261 A expands ORS 133.400 to require that a peace officer equipped with a body camera record custodial interviews with youth under 18 years of age in the course of investigating acts that would constitute felony and misdemeanor crimes if committed by an adult, regardless of where the interview occurs.