

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 580

4
5 By: Senator A. Clark
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For An Act To Be Entitled

8 AN ACT REQUIRING THAT ALL CUSTODIAL INTERVIEWS AND
9 INTERROGATIONS BE RECORDED BY AUDIO AND VISUAL MEDIA;
10 AND FOR OTHER PURPOSES.
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Subtitle

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14 REQUIRING THAT ALL CUSTODIAL INTERVIEWS
15 AND INTERROGATIONS BE RECORDED BY AUDIO
16 AND VISUAL MEDIA.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 12-12-110. Recording of custodial interview and interrogation.

24 (a) In order to provide accurate documentation of events, actions,
25 conditions, and statements during a custodial suspect interview or
26 interrogation, a custodial interview or interrogation that occurs at a law
27 enforcement facility shall be recorded by audio and visual media.

28 (b)(1) If a custodial suspect interview or interrogation occurs
29 outside of a law enforcement facility, the custodial interview or
30 interrogation shall be recorded by audio and visual media when available, but
31 at a minimum the custodial interview or interrogation shall be recorded with
32 an audio medium.

33 (2) If a custodial interview or interrogation is recorded only
34 with an audio medium, the law enforcement officer shall note in his or her
35 report the reason why a visual medium was not used and if a visual medium was
36 available at the time of the custodial interview or interrogation.



1 (c) An audio or visual recording of a custodial interview or
2 interrogation is not required if:

3 (1) A suspect makes a statement as part of routine prisoner
4 processing and intake;

5 (2) The recording equipment does not function properly after a
6 good faith attempt by the law enforcement officer to record the custodial
7 interview or interrogation;

8 (3) A suspect makes a statement spontaneously or not in response
9 to questioning; or

10 (4) Exigent circumstances prevent recording or make the audio or
11 visual recording not feasible.

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