

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 580

REQUIRING THAT ALL CUSTODIAL INTERVIEWS AND INTERROGATIONS BE RECORDED BY AUDIO
AND VISUAL MEDIA.

Amendment No. 2 to Senate Bill 580

Amend Senate Bill No. 580 as originally introduced:

Page 1, line 9, delete "MEDIA;" and substitute "MEDIA, IF AVAILABLE;"

AND

Delete the subtitle in its entirety and substitute:

"REQUIRING THAT ALL CUSTODIAL INTERVIEWS AND INTERROGATIONS BE RECORDED BY
AUDIO AND VISUAL MEDIA, IF AVAILABLE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is amended to add an additional section to read as follows:

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

(a) In order to provide accurate documentation of events, actions, conditions, and statements during a custodial interview or interrogation, a custodial interview or interrogation that occurs at a law enforcement facility shall be recorded by an audio medium, at a minimum, and visual media, if visual media is available.

(b)(1) If a custodial interview or interrogation occurs outside of a law enforcement facility, the custodial interview or interrogation shall be recorded by audio and visual media, if visual media is available, but at a minimum the custodial interview or interrogation shall be recorded by an audio medium.

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

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



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

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

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

(4) Exigent circumstances prevent audio or visual recording or make the audio or visual recording not feasible; or

(5) The custodial interview or interrogation is being conducted by the person's parole or probation officer.

(d)(1) A person who is subject to a custodial interview or interrogation may request that his or her custodial interview or interrogation not be recorded by audio or visual medium.

(2) A person who makes a request to have his or her custodial interview or interrogation not recorded by audio or visual medium waives his or her rights to have his or her custodial interview or interrogation recorded by an audio or visual medium.

(e) A law enforcement agency shall retain the original audio or visual recording of a custodial interview or interrogation under this section for a reasonable period of time but in no event less than three (3) years."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

BPG/BPG - 04-01-2019 18:11:01

BPG577

Secretary