

April 18, 2007

H 1626. ENHANCE RELIABILITY OF INTERROGATIONS. Filed 4/18/07. *TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY.*

Amends GS Chapter 15A to add a new Article 8 to require electronic recording of interrogations in homicide investigations. Specifies that any recording is admissible if recorded and otherwise admissible. If not recorded, state must show by clear and convincing evidence that failure was for good cause. Failure to comply that is not based on good cause may be considered by the court in deciding motions to suppress or questions of voluntariness and reliability, and the jury must be instructed to consider the failure in assessing the credibility of any unrecorded statements. Specifies that certain types of statements are not affected by the recording requirement, including in-court statements and statements made not in response to a question. Requires records of interrogations to be maintained until a year after the case is finally disposed of. Effective July 1, 2008, for interrogations that occur on or after that date.

Intro. by Glazier, Blue, Ross.

GS 15A

May 15, 2007

H 1626. ENHANCE RELIABILITY OF INTERROGATIONS. Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Modifies proposed new GS 15A-211(b)(4), defining the term *in its entirety*, by substituting the phrase *an uninterrupted record that begins with . . .* for the original *a record that begins with . . .* Inserts a new subsection (c) requiring any law enforcement officer conducting a custodial interrogation in a homicide investigation to make an electronic recording of the interrogation in its entirety. Renumbers the remaining subsections and makes clarifying and stylistic changes.

July 17, 2007

H 1626. ENHANCE RELIABILITY OF INTERROGATIONS. Filed 4/18/07. Senate committee substitute makes the following changes to 2nd edition. Modifies proposed new GS 15A-211 to provide that the article applies only to custodial interrogations in homicide investigations conducted at any place of detention. Removes the definition of *custodial interrogation*. Modifies the definition of *in its entirety* to provide that brief periods of recess that are taken at the request of the person in custody or the law enforcement officer are not an interruption of the record, and requires the record to reflect the time the recess starts and the resumption of the interrogation. Provides that the article does not preclude the admission of a statement obtained by a federal law enforcement officer (was, in a federal place of detention). Changes the effective date from July 1, 2008, to March 1, 2008.

August 27, 2007

SL 2007-434 (H 1626). ENHANCE RELIABILITY OF INTERROGATIONS. AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY. Summarized in *Daily Bulletin* 4/18/07, 5/15/07, and 7/17/07. Enacted August 23, 2007. Effective March 1, 2008.