

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 33

Short Title: Visual Record/Homicide Interrogation. (Public)

Sponsors: Representatives K. Alexander, Earle, Mobley (Primary Sponsors); Bryant, Cotham, Faison, Fisher, Glazier, Goforth, Hall, Luebke, Mackey, Wilkins, and Womble.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ELECTRONIC RECORDING OF A CUSTODIAL INVESTIGATION OF A HOMICIDE MUST BE A VISUAL RECORDING THAT SIMULTANEOUSLY MAKES AN AUDIO RECORDING OF THE INTERROGATION BEING RECORDED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-211(c) reads as rewritten:

"(c) Definitions. – The following definitions apply in this Article:

(1) Electronic recording. – ~~An audio recording that is an authentic, accurate, unaltered record; or a~~ A visual recording that simultaneously makes an audio recording of the interrogation being recorded that is an authentic, accurate, unaltered record.

(2) In its entirety. – An uninterrupted record that begins with and includes a law enforcement officer's advice to the person in custody of that person's constitutional rights, ends when the interview has completely finished, and clearly shows both the interrogator and the person in custody throughout. ~~If the record is a visual recording, the~~ The camera recording the custodial interrogation must be placed so that the camera films both the interrogator and the suspect. The camera shall also insert the appropriate date and time stamps during the interrogation, and those dates and time stamps must be displayed when the interrogation is played back. Brief periods of recess, upon request by the person in custody or the law enforcement officer, do not constitute an "interruption" of the record. The record will reflect the starting time of the recess and the resumption of the interrogation.

(3) Place of detention. – A jail, police or sheriff's station, correctional or detention facility, holding facility for prisoners, or other facility where persons are held in custody in connection with criminal charges."

SECTION 2. This act becomes effective December 1, 2009, and applies to interrogations occurring on or after that date.

