

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S4/3/19
A Bill

SENATE BILL 580

By: Senator A. Clark

For An Act To Be Entitled

AN ACT REQUIRING THAT ALL CUSTODIAL INTERVIEWS AND INTERROGATIONS BE RECORDED BY AUDIO AND VISUAL MEDIA, IF AVAILABLE; AND FOR OTHER PURPOSES.

Subtitle

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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.

/s/A. Clark