

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50005-LH-14A (12/11)

Short Title: Visual Record/Homicide Interrogation.

(Public)

Sponsors: Representative K. Alexander.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE ELECTRONIC RECORDING OF A CUSTODIAL
3 INVESTIGATION OF A HOMICIDE MUST BE A VISUAL RECORDING THAT
4 SIMULTANEOUSLY MAKES AN AUDIO RECORDING OF THE INTERROGATION
5 BEING RECORDED.

6 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

