

REFERENCE TITLE: juveniles; interrogations; electronic recording

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2282

Introduced by
Representatives Sinema: Ableser, Campbell CL, Gallardo, Lopes, Lujan,
Meza, Prezelski, Rios P

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 8-309; RELATING TO JUVENILES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 3, article 1, Arizona Revised Statutes, is
3 amended by adding section 8-309, to read:

4 8-309. Custodial interrogations: electronic recording:
5 definitions

6 A. ANY ORAL, WRITTEN OR SIGN LANGUAGE STATEMENT THAT IS MADE BY A
7 JUVENILE DURING ANY INTERROGATION OF A JUVENILE WHO IS IN THE CUSTODY OF A
8 LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY SHALL BE ELECTRONICALLY
9 RECORDED IN ITS ENTIRETY AND SHALL REMAIN SUBSTANTIALLY ACCURATE AND NOT
10 INTENTIONALLY ALTERED.

11 B. THIS SECTION DOES NOT APPLY TO A STATEMENT THAT IS ANY OF THE
12 FOLLOWING:

13 1. MADE BY THE JUVENILE IN OPEN COURT, BEFORE A GRAND JURY OR AT A
14 PRELIMINARY HEARING.

15 2. SPONTANEOUS AND NOT MADE IN RESPONSE TO A QUESTION.

16 3. MADE AFTER QUESTIONING THAT IS ROUTINELY ASKED DURING THE
17 PROCESSING OF A SUSPECT.

18 4. MADE DURING A CUSTODIAL INTERROGATION THAT WAS CONDUCTED
19 OUT-OF-STATE.

20 5. OBTAINED BY A FEDERAL LAW ENFORCEMENT OFFICER IN A FEDERAL PLACE OF
21 DETENTION.

22 6. GIVEN AT A TIME WHEN THE INTERROGATORS WERE UNAWARE THAT THE
23 JUVENILE WAS SUSPECTED OF COMMITTING A CRIMINAL OFFENSE.

24 7. OTHERWISE INADMISSIBLE UNDER THIS SECTION BUT THAT IS USED ONLY FOR
25 IMPEACHMENT AND NOT AS SUBSTANTIVE EVIDENCE.

26 C. THE STATE SHALL NOT DESTROY OR ALTER ANY ELECTRONIC RECORDING THAT
27 IS MADE OF A CUSTODIAL INTERROGATION UNTIL THE FINAL DISPOSITION OF THE
28 JUVENILE'S CASE.

29 D. FOR THE PURPOSES OF THIS SECTION:

30 1. "CUSTODIAL INTERROGATION" MEANS ANY INTERROGATION THAT IS CONDUCTED
31 IN A PLACE OF DETENTION FROM THE TIME A JUVENILE IS GIVEN A MIRANDA WARNING
32 UNTIL THE JUVENILE IS RELEASED FROM CUSTODY.

33 2. "ELECTRONIC RECORDING" MEANS A MOTION PICTURE, AUDIOTAPE, VIDEOTAPE
34 OR DIGITAL RECORDING.

35 3. "PLACE OF DETENTION" MEANS A POLICE STATION, CORRECTIONAL FACILITY,
36 HOLDING FACILITY FOR PRISONERS OR OTHER GOVERNMENT FACILITY WHERE PERSONS ARE
37 HELD IN DETENTION IN CONNECTION WITH CRIMINAL CHARGES THAT HAVE BEEN OR MAY
38 BE FILED AGAINST THEM.