

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB 1943

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: McClellan

3. Committee: House Courts of Justice

4. Title: Recording of custodial interrogations

5. Summary:

The proposed legislation would require that, if practicable, a law-enforcement officer conducting an interrogation of any person at a police station, sheriff's office, detention center, vehicle or any other location at which individuals may be held in connection with a criminal charge cause an audiovisual recording of the interrogation to be made. If such recording were not made, in any subsequent trial, the court would be required to instruct the jury that such failure shall be considered in determining the weight given to any evidence presented as a result of the interrogation. If the case were being tried without a jury, the legislation would require the court to consider such failure in determining what weight to give to the evidence.

Furthermore, the proposed legislation would require the Department of Criminal Justice Services to establish, publish, and disseminate a model policy or guideline for law-enforcement personnel to use for the recording of interrogations.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

By requiring the Department of Criminal Justice Services (DCJS) to develop a model policy regarding the recording of custodial interrogations, the proposed legislation would have an impact on the agency's workload. As part of its regular responsibilities, DCJS develops model public safety policies and training standards. Some model policies are more complex than others to develop and require considerable staff time. There are several bills being considered by the legislature that would direct the agency to develop specific new policies and training standards. With its current resources and staff, the agency feels that it can handle requirements to develop up to two new policies in any one year. If more than two of these bills were enacted, depending on the complexity of the model policies involved, the agency could need additional resources to implement them in a timely manner. The cost

of an additional position to handle such policy and standards development would be approximately \$82,000, including benefits.

9. Specific Agency or Political Subdivisions Affected:

Local police and sheriffs' departments
Department of Criminal Justice Services
District and circuit court judges

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/29/2015

Document: G:\LEGIS\ffs-15\hb1943.docx Dick Hall-Sizemore