

SB0076/628772/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 76
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Electronic”; strike beginning with “custodial” in line 3 down through “Act” in line 13 and substitute “certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings”; in line 13, strike “certain terms” and substitute “a certain term”; in line 14, strike “providing that” and substitute “requiring”; in the same line, strike “shall” and substitute “to”; in line 16, strike “and” and substitute a comma; strike beginning with “compliance” in line 17 down through “date;” in line 18 and substitute “the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms;”; and in line 22, strike “and 2-402” and substitute “through 2-404”.

AMENDMENT NO. 2

On page 2, strike beginning with “(A)” in line 4 down through “CUSTODIAL” in line 6 and substitute “IN THIS SUBTITLE, “CUSTODIAL””.

On pages 2 through 4, strike in their entirety the lines beginning with line 8 on page 2 through line 11 on page 4, inclusive, and substitute:

“2-402.

IT IS THE PUBLIC POLICY OF THE STATE THAT:

(Over)

(1) A LAW ENFORCEMENT UNIT THAT REGULARLY UTILIZES ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIOVISUAL RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE; AND

(2) A LAW ENFORCEMENT UNIT THAT DOES NOT REGULARLY UTILIZE ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIO RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE.”.

AMENDMENT NO. 3

On page 4, in line 12, strike “**2-402.**” and substitute “**2-403.**”; strike beginning with “**RECORDINGS**” in line 13 down through “**ARE**” in line 14 and substitute “**AN AUDIO OR AUDIOVISUAL RECORDING MADE BY A LAW ENFORCEMENT UNIT OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IS**”; after line 15, insert:

2-404.

ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON THE PROGRESS OF JURISDICTIONS AND THE DEPARTMENT OF STATE POLICE IN ESTABLISHING INTERROGATION ROOMS

CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS.”;

in line 20, strike “and”; strike beginning with “compliance” in line 22 down through “Act.” in line 27 and substitute “the establishment and operation of interrogation rooms capable of creating audiovisual recordings of custodial interrogations; and

(3) monitor and report during StateStat meetings on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.”;

in line 28, strike “4.” and substitute “3.”; and in line 29, strike “2010” and substitute “2008”.