
HOUSE BILL No. 1708

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-3.5.

Synopsis: Recording custodial interrogations. Requires state and local law enforcement agencies to electronically record custodial interrogations of suspects during murder investigations and other felony investigations conducted after June 30, 2006. Requires the agencies to retain copies of custodial interrogations for certain periods. Makes a violation of the custodial interrogation law: (1) a Class C infraction for a person's first violation of the law; and (2) a Class B infraction for a person's second or subsequent violation of the law.

Effective: July 1, 2005.

Day

January 19, 2005, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1708

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-33-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 3.5. Recording of Custodial Interrogations**

5 **Sec. 1. As used in this chapter, "custodial interrogation" means**
6 **an interrogation conducted by a law enforcement agency during**
7 **which:**

8 (1) a reasonable person being interrogated would consider
9 himself or herself to be in custody; and

10 (2) a question is asked that is reasonably likely to elicit an
11 incriminating response from the person.

12 **Sec. 2. As used in this chapter, "electronically record" means to**
13 **make a record of:**

14 (1) sounds by using audio electronic equipment; or

15 (2) visual images and sounds by using video and audio
16 electronic equipment.

17 **Sec. 3. As used in this chapter, "law enforcement agency" means**



1 an agency or a department of any level of state or local government
2 whose principal function is the apprehension of criminal offenders.

3 Sec. 4. After June 30, 2006, a law enforcement agency shall
4 electronically record all custodial interrogations:

5 (1) of suspects involved in:

6 (A) murder investigations; or

7 (B) investigations of any other felony; and

8 (2) that occur at:

9 (A) a law enforcement agency station house; or

10 (B) any other building owned or operated by the law
11 enforcement agency;

12 at which persons are detained in connection with criminal
13 investigations.

14 Sec. 5. A law enforcement agency shall retain a copy of a
15 custodial interrogation of a person electronically recorded under
16 this chapter until:

17 (1) if the person is convicted of murder or another felony
18 related to the custodial interrogation, the:

19 (A) person's conviction is final; and

20 (B) person has exhausted all direct and habeas corpus
21 appeals related to the conviction; or

22 (2) a prosecution of the person for murder or another felony
23 related to the custodial interrogation is barred by law.

24 Sec. 6. (a) A custodial interrogation electronically recorded
25 under this chapter is:

26 (1) confidential; and

27 (2) exempt from disclosure under IC 5-14-3.

28 (b) This section does not preclude:

29 (1) the state or a defendant in a criminal action from
30 obtaining a copy of a custodial interrogation electronically
31 recorded under this chapter for use in:

32 (A) a criminal action; or

33 (B) an appeal related to the criminal action; or

34 (2) a party in a civil suit from obtaining a copy of a custodial
35 interrogation electronically recorded under this chapter for
36 use in:

37 (A) a civil suit; or

38 (B) an appeal related to the civil suit.

39 Sec. 7. A person who violates this chapter commits a Class C
40 infraction. However, the violation is a Class B infraction if the
41 person has a prior unrelated judgment for violating this chapter.

C
O
P
Y

