

The bill specifically provides that recording requirements do not apply:

- To statements that are spontaneously volunteered and not the result of custodial interrogation,
- To custodial interrogations conducted outside the state
- To statements used for impeachment purposes
- Within a correctional facility

The recording requirements apply only to custodial interrogations when the person is suspected of committing a felony offense.

Finally, the bill specifies that this section does not intrude upon the authority of the courts to determine admissibility of evidence.

Significant Issues

Proponents of the bill argue that recording interrogations will increase the likelihood of convictions by providing more reliable evidence regarding confessions. The measure would also provide greater protections to individuals being interrogated.

Others argue that the United States and New Mexico constitutions already provide numerous safeguards to ensure a defendant's constitutional rights and that recording requirements may hamper law enforcement's ability to investigate crimes and try offenders.

The bill may require law enforcement agencies to purchase equipment, for which there is no appropriation. House Bill 884, a companion measure, would make an appropriation for the purchase of recording equipment.

FISCAL IMPLICATIONS

The bill may result in cost increases to law enforcement agencies for the purchase of electronic recording equipment. These costs may be partially off-set by savings associated with fewer court proceedings regarding statements made during custodial interrogations.

A companion measure, House Bill 884, appropriates \$1 million to DPS for the purpose of providing funding at the state, county and municipal levels to purchase audio-visual equipment. However, enactment of House Bill 382 is not contingent upon the enactment of House Bill 884.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 382 is a companion measure to House Bill 884.

TECHNICAL ISSUES

The provision regarding good cause for not recording an interrogation (Subsection B, page 2) lists 4 cases of "good cause." However, the language does not specify that good cause is not limited to these 4 instances. Thus the bill provides that only these 4 instances constitute good cause. This may somewhat limit flexibility with respect to unanticipated situations.