

Session 121 - (2015-2016)

H 4630 General Bill, By J.E. Smith

Summary: Uniform Electronic Recordation of Custodial Interrogations Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THIS ACT MAY BE CITED AS THE "UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT", TO PROVIDE THE CIRCUMSTANCES IN WHICH A LAW ENFORCEMENT OFFICER OR AGENCY MUST ELECTRONICALLY RECORD A CUSTODIAL INTERROGATION, TO PROVIDE EXCEPTIONS TO THIS REQUIREMENT, TO PROVIDE THAT THE STATE MUST SERVE A DEFENDANT WRITTEN NOTICE OF ITS INTENT TO INTRODUCE IN COURT A STATEMENT MADE DURING A CUSTODIAL INTERROGATION WHICH WAS NOT RECORDED ELECTRONICALLY, TO PROVIDE THAT THE COURT SHALL CONSIDER THE FAILURE TO RECORD ELECTRONICALLY AN INTERROGATION AS A FACTOR IN DETERMINING WHETHER A STATEMENT MADE DURING THE INTERROGATION IS ADMISSIBLE, TO PROVIDE THAT SLED SHALL ESTABLISH PROCEDURES TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS ARTICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY AND ITS OFFICERS ARE NOT SUBJECT TO CIVIL LIABILITY UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE SELF-AUTHENTICATION OF AN ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION IN A PRETRIAL OR POST TRIAL PROCEEDING, TO PROVIDE THAT THIS ARTICLE DOES NOT CREATE A RIGHT OF AN INDIVIDUAL TO REQUIRE THE RECORDING OF A CUSTODIAL INTERROGATION OR THE PREPARATION OF A TRANSCRIPT OF AN ELECTRONIC RECORDING, AND TO PROVIDE THAT THE PROVISIONS CONTAINED IN THIS ARTICLE MODIFY, LIMIT, AND SUPERSEDE CERTAIN PROVISIONS CONTAINED IN THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

01/12/16 House Introduced and read first time (House Journal-page 117)

01/12/16 House Referred to Committee on Judiciary (House Journal-page 117)