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Senate Bill 152 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator Tonya Schuitmaker  
Committee: Judiciary

## **CONTENT**

The bill would amend the Code of Criminal Procedure to do the following:

- Require a law enforcement official to make an audiovisual recording of an entire interrogation of an individual in custodial detention for questioning of his or her involvement in a major felony.
- Allow a major felony recording to be made without the consent or knowledge of, or despite the objection of the person being interrogated.
- Require a copy of a recorded statement to be provided to the defense pursuant to a discovery request.
- Require a jury to be instructed about the recording requirement and allow a jury to consider the absence of a recording.
- Require the Michigan Commission on Law Enforcement Standards (MCOLES) to establish quality standards and conduct cost assessments.

The bill would require the Legislature to appropriate funds to MCOLES for distribution to law enforcement agencies for the purchase of audiovisual recording equipment. The funds would have to be in addition to the appropriation to MCOLES in the preceding year and could not be appropriated from the Law Enforcement Officers Training Fund.

Law enforcement agencies would have to implement the bill's requirements within 120 days after receiving funds from MCOLES. An agency would have to comply within 60 days after MCOLES adopted standards, however, if the agency already had sufficient equipment, or within 60 days after obtaining equipment.

"Major felony" would mean a felony punishable by imprisonment for life, for life or any term of years, or for a statutory maximum of 20 years or more, or third-degree criminal sexual conduct (which is punishable by up to 15 years' imprisonment).

Proposed MCL 763.7-763.11

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would have an indeterminate, but potentially substantial, fiscal impact on the State. The Michigan Commission on Law Enforcement Standards would be required to do a cost assessment of implementing the bill's provisions. To date, MCOLES has not offered an estimate of the costs, which the bill would require the Legislature to appropriate. Among the major felonies that would require a recorded interrogation with an arrested individual, the Michigan uniform crime report reflects that in 2009 there were 223 arrests for homicide, 234 for rape, and 206 for kidnapping. Currently, several law enforcement agencies already possess the technical means to fulfill the requirements of the bill; many others do not.

Date Completed: 3-24-11

Fiscal Analyst: Bruce Baker