

SENATE, No. 117

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Establishes pilot program in the Department of Law and Public Safety requiring the electronic recording of certain police interrogations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain police interrogations and supplementing
2 Title 52 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. There is established in the Department of Law and Public
8 Safety a pilot program requiring the electronic recording of
9 custodial interrogations concerning violent crimes. The pilot
10 program shall be administered by the Attorney General pursuant to
11 the provisions of this act.

12 b. As used in this act:

13 (1) "Custodial interrogation" means any interrogation of a
14 suspect by law enforcement during which a reasonable person in the
15 suspect's position would consider himself to be in custody and
16 during which a question is asked that is reasonably likely to elicit
17 an incriminating response.

18 (2) "Electronic recording" includes, but is not limited to, a
19 motion picture, audiotape, videotape or digital recording.

20 (3) "Violent crimes" means any of the following:

21 (a) N.J.S.2C:11-3, murder;

22 (b) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;

23 (c) N.J.S.2C:11-5, vehicular homicide;

24 (d) subsection b. of N.J.S.2C:12-1, aggravated assault;

25 (e) subsection b. of P.L.1996, c.14 (C.2C:12-11), disarming a
26 law enforcement officer;

27 (f) N.J.S.2C:13-1, kidnapping;

28 (g) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;

29 (h) subsection b. of N.J.S.2C:14-2 and paragraph (1) of
30 subsection c. of N.J.S.2C:14-2, sexual assault;

31 (i) N.J.S.2C:15-1, robbery;

32 (j) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking; or

33 (k) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated
34 arson.

35 c. Any electronic recording of a statement made pursuant to the
36 pilot program established by this act shall be preserved until such
37 time as the defendant's conviction for any offense relating to the
38 statement is final and all appeals are exhausted, or until the
39 prosecution of such offenses is barred by law.

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41 2. Not later than two years after the effective date of this act,
42 the Attorney General shall prepare and submit a report to the
43 Governor and the Legislature describing the pilot program
44 developed pursuant to this act, evaluating its effectiveness and
45 discussing the feasibility of expanding the program throughout the
46 State. The report shall also include recommendations as to whether
47 such a State-wide program should include a provision that a
48 suspect's statement made as a result of a custodial interrogation

1 would be presumed to be inadmissible against the suspect in any
2 subsequent criminal proceeding unless an electronic recording of
3 the custodial interrogation was made and the recording is
4 substantially accurate and not intentionally altered.

5
6 3. The Attorney General, pursuant to the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt
8 rules and regulations necessary to implement this act.

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10 4. This act shall take effect on the 120th day following
11 enactment except for section 3, which shall take effect immediately.

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14 STATEMENT

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16 This bill would establish a pilot program in the Department of
17 Law and Public Safety requiring the electronic recording of police
18 interrogations concerning violent crimes. The pilot program would
19 be administered by the Attorney General. The bill defines
20 "custodial interrogation" as any interrogation of a suspect by law
21 enforcement during which a reasonable person in the suspect's
22 position would consider himself to be in custody and during which
23 a question is asked that is reasonably likely to elicit an
24 incriminating response.

25 Under the bill, the electronic recording could be accomplished by
26 use of a motion picture, audiotape, videotape or digital recording.

27 Police interrogations of suspects concerning the following crimes
28 would be included in the pilot program: murder, aggravated
29 manslaughter, manslaughter, vehicular homicide, aggravated
30 assault, disarming a law enforcement officer, kidnapping,
31 aggravated sexual assault, sexual assault, robbery, carjacking and
32 aggravated arson.

33 Any electronic recording of a statement made pursuant to the
34 pilot program would be required to be preserved until such time as
35 the defendant's conviction for any offense relating to the statement
36 is final and all appeals are exhausted, or until the prosecution of
37 such offenses is barred by law.

38 Within two years after the effective date of the act, the Attorney
39 General would report to the Governor and the Legislature
40 describing the pilot program, evaluating its effectiveness and
41 discussing the feasibility of expanding the program throughout the
42 State. The report would also include recommendations as to
43 whether such a State-wide program should include a provision that
44 a suspect's statement made as a result of a custodial interrogation
45 would be presumed to be inadmissible against the suspect in any
46 subsequent criminal proceeding unless an electronic recording of
47 the custodial interrogation was made and the recording is
48 substantially accurate and not intentionally altered.