Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 116
Bill #: HB 460
Document ID #: <u>736</u>
Bill Subject/Title: AN ACT relating to custodial interrogations by law enforcement.
Sponsor: Rob Wiederstein
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: Local law enforcement
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The fiscal impact of HB 460 is indeterminate and will range from minimal to perhaps moderate depending on hardware and software requirements for audio and video recording of interrogations, and upon compliance with the requirements for use of audio and video recording of interrogations.

HB 460 creates 20 new sections of KRS Chapter 15 relating to custodial interrogations by law enforcement. Specifically, it creates new sections to define terms related to the electronic recording of custodial interrogations and requires law enforcement officers to electronically record custodial interrogations. It specifies that law enforcement officers conducting custodial interrogations are not required to obtain consent from the individual being interrogated and provides exceptions to the requirement of recording interrogations based upon exigent circumstances, refusal to participate by the individual being interrogated, the occurrence of the interrogation in a different state in compliance with that state's law or with federal law, or if the interrogation may reveal the identity of a confidential informant or jeopardize the safety of a law enforcement officer. The bill requires prosecutors to prove an exception applies if the statement entered was not recorded, and requires the Attorney General to promulgate administrative regulations to determine the means of recording, the collection and review of recordings, and other matters related to the recording of interrogations.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

 Data Source(s):
 Kentucky Association of Chiefs of Police; Kentucky Sheriffs Association

Preparer:H. MarksReviewer:KHCDate:3/17/20