

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

## Legislative Fiscal Note

**BILL NUMBER:** House Bill 779 (Second Edition)

**SHORT TITLE:** Electronic Recording/Custodial Interrogations.

**SPONSOR(S):** Representatives Hackney, Stam, Glazier, and Faircloth

	<b>FISCAL IMPACT</b>				
	<b>Yes ( )</b>	<b>No (X)</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2011-12</u></b>	<b><u>FY 2012-13</u></b>	<b><u>FY 2013-14</u></b>	<b><u>FY 2014-15</u></b>	<b><u>FY 2015-16</u></b>
<b>EXPENDITURES:</b>					
<b>DOJ</b>					<b>No fiscal impact</b>
<b>DJJDP</b>					<b>No fiscal impact</b>
<b>CCPS</b>					<b>No fiscal impact</b>
<b>Judicial Branch</b>					<b>No fiscal impact</b>
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Justice Department of Crime Control and Public Safety; Department of Juvenile Justice and Delinquency Prevention; Judicial Branch					
<b>EFFECTIVE DATE:</b> December 1, 2011					

### BILL SUMMARY:

The proposed legislation amends G.S. 15A-211 to broaden the requirement to create an electronic recording of a custodial interrogation to include all custodial interrogations of juveniles conducted in any place of detention and custodial interrogations conducted in any place of detention related to a Class A, B1, or B2 felony, or any Class C felony of rape, sexual offense, or assault with a deadly weapon with intent to kill inflicting serious injury. The act requires that the recording be a visual and audio recording.

The House committee substitute amends the definition for electronic recording to clarify that the term refers to an audio recording or a visual recording that is an authentic, accurate, unaltered record. The act reinserts language to clarify that the requirement to place the camera recording in a custodial interrogation so that the camera films both the interrogator and the suspect on the record only applies if the record is a visual recording. The act provides that the provisions regarding the admissibility of electronic recordings apply during the prosecution of any offense to which Article 8, Electronic Recording of Interrogations, applies.

The proposed legislation becomes effective December 1, 2011, and applies to interrogations occurring on or after that date.

*SOURCE: BILL DIGEST H.B. 779 (04/07/2011)*

**ASSUMPTIONS AND METHODOLOGY:**

**Department of Justice**

According to the Department of Justice (DOJ), the proposed legislation will have a significant fiscal impact on the State Bureau of Investigation (SBI) Case Records Management Section because they would have to transcribe all of the recorded interrogations. However, the proposed legislation does not specifically require transcription of the recordings. Therefore, the Fiscal Research Division does not anticipate a significant fiscal impact on DOJ as a direct result of the proposed legislation.

**Department of Crime Control and Public Safety**

The Department of Crime Control and Public Safety (CCPS) does not anticipate the proposed legislation will have a significant fiscal impact on current operations.

**Department of Juvenile Justice and Delinquency Prevention**

Given that custodial interrogations are the responsibility of law enforcement, the Department of Juvenile Justice and Delinquency Prevention (DJJDP) is not aware of any fiscal impact on the Department resulting from the proposed legislation.

**Judicial Branch**

According to the Administrative Office of the Courts (AOC), there will be costs associated with additional electronic recordings of interrogations that are transcribed for district attorneys' offices by a contractor and paid for by Judicial Department funds. However, the proposed legislation does not specifically require transcription of the recordings. Therefore, the Fiscal Research Division does not anticipate a significant fiscal impact on the judicial branch as a direct result of the proposed legislation.

**SOURCES OF DATA:** Department of Justice; Department of Crime Control and Public Safety; Department of Juvenile Justice and Delinquency Prevention; Administrative Office of the Courts.

**TECHNICAL CONSIDERATIONS:** None

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**Fiscal Research Division**

**DATE:** April 26, 2011



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