

SENATE BILL No. 92

By Committee on Judiciary

1-26

Proposed Amendment to SB92  
Committee on Judiciary  
February 8, 2017  
Prepared by: Jenna Moyer  
Office of Revisor of Statutes

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to evidence; videotaping of certain felony, custodial interrogations.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) All law enforcement agencies in this state shall adopt a  
6 detailed, written policy requiring electronic recording of any custodial  
7 interrogation conducted at a place of detention.

8 (b) All local law enforcement agencies in this state shall collaborate  
9 with the county or district attorney in the appropriate jurisdiction regarding  
10 the contents of written policies required by this section.

11 (c) Policies adopted pursuant to this section shall be made available  
12 to all officers of such agency and shall be available for public inspection  
13 during normal business hours.

14 (d) Policies adopted pursuant to this section shall be implemented by  
15 all Kansas law enforcement agencies on or before July 1, 2018.

16 (e) Policies adopted pursuant to this section shall include the  
17 following:

18 (1) A requirement that an electronic recording shall be made of an  
19 entire custodial interrogation at a place in detention when the interrogation  
20 concerns ~~homicides and felony sex offenses~~; a

21 (2) a requirement that if the defendant elects to make or sign a written  
22 statement during the course of a custodial interrogation, the making and  
23 signing of the statement shall be electronically recorded; or a

24 (3) a statement of exceptions to the requirement to electronically  
25 record custodial interrogations, including, but not limited to:

26 (A) An equipment malfunction preventing electronic recording of the  
27 interrogation in its entirety, and replacement equipment is not immediately  
28 available;

29 (B) the officer, in good faith, fails to record the interrogation because  
30 the officer inadvertently fails to operate the recording equipment properly,  
31 or without the officer's knowledge the recording equipment malfunctions  
32 or stops recording;

33 (C) the suspect affirmatively asserts the desire to speak with officers  
34 without being recorded;

35 (D) multiple interrogations are taking place, exceeding the available  
36 electronic recording capacity;

concerning a homicide or a felony  
sex offense