



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

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**House Bill 4958
Sponsor: Rep. Alan Sanborn
Committee: Criminal Justice**

Complete to 9-25-01

A SUMMARY OF HOUSE BILL 4958 AS INTRODUCED 6-14-01

The bill would amend Chapter III of the Code of Criminal Procedure, which governs the rights of accused persons, to prohibit a law enforcement official from questioning an individual in police custody regarding his or her alleged involvement in the commission of certain crimes unless the questioning session is recorded both visually and audibly in its entirety. A statement obtained in a questioning session that was not visually or audibly recorded in its entirety, or evidence obtained as a result of that statement, could not be excluded as evidence in a criminal procedure solely because the session had not been recorded as required by the bill. The bill would apply to the following crimes:

- First- and second-degree murder;
- kidnapping;
- a prisoner taking a person hostage;
- leading, enticing, or taking away a child under 14 years of age with the intent to conceal the child from his or her parents or guardian;
- first-, second-, third-, and fourth-degree criminal sexual conduct; and,
- assault with intent to commit criminal sexual conduct.

The bill would define a “law enforcement official” as a peace officer; the attorney general, a county prosecuting attorney, or an attorney representing a political subdivision, or any of their assistants; or a person acting upon the direction of any of these persons. “Peace officer” would mean a state or local police officer, a county sheriff or his or her deputy, a public safety officer of a college or university, or a conservation officer of the Departments of Natural Resources and Environmental Quality.

MCL 763.7

Analyst: S. Stutzky

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