

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S4/3/19

# A Bill

SENATE BILL 580

5 By: Senator A. Clark  
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## For An Act To Be Entitled

8 AN ACT REQUIRING THAT ALL CUSTODIAL INTERVIEWS AND  
9 INTERROGATIONS BE RECORDED BY AUDIO AND VISUAL MEDIA,  
10 IF AVAILABLE; AND FOR OTHER PURPOSES.  
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### Subtitle

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13 REQUIRING THAT ALL CUSTODIAL INTERVIEWS  
14 AND INTERROGATIONS BE RECORDED BY AUDIO  
15 AND VISUAL MEDIA, IF AVAILABLE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is  
22 amended to add an additional section to read as follows:

23 12-12-110. Recording of custodial interview and interrogation.

24 (a) In order to provide accurate documentation of events, actions,  
25 conditions, and statements during a custodial interview or interrogation, a  
26 custodial interview or interrogation that occurs at a law enforcement  
27 facility shall be recorded by an audio medium, at a minimum, and visual  
28 media, if visual media is available.

29 (b)(1) If a custodial interview or interrogation occurs outside of a  
30 law enforcement facility, the custodial interview or interrogation shall be  
31 recorded by audio and visual media, if visual media is available, but at a  
32 minimum the custodial interview or interrogation shall be recorded by an  
33 audio medium.

34 (2) If a custodial interview or interrogation is recorded only  
35 by an audio medium, the law enforcement officer shall note in his or her  
36 report the reason why a visual medium was not used and if a visual medium was



1 available at the time of the custodial interview or interrogation.

2 (c) An audio or visual recording of a custodial interview or  
3 interrogation is not required if:

4 (1) A suspect makes a statement as part of routine prisoner  
5 processing and intake;

6 (2) The recording equipment does not function properly after a  
7 good faith attempt by the law enforcement officer to record the custodial  
8 interview or interrogation;

9 (3) A suspect makes a statement spontaneously or not in response  
10 to questioning;

11 (4) Exigent circumstances prevent audio or visual recording or  
12 make the audio or visual recording not feasible; or

13 (5) The custodial interview or interrogation is being conducted  
14 by the person's parole or probation officer.

15 (d)(1) A person who is subject to a custodial interview or  
16 interrogation may request that his or her custodial interview or  
17 interrogation not be recorded by audio or visual medium.

18 (2) A person who makes a request to have his or her custodial  
19 interview or interrogation not recorded by audio or visual medium waives his  
20 or her rights to have his or her custodial interview or interrogation  
21 recorded by an audio or visual medium.

22 (e) A law enforcement agency shall retain the original audio or visual  
23 recording of a custodial interview or interrogation under this section for a  
24 reasonable period of time but in no event less than three (3) years.

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27 /s/A. Clark  
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