

MAINE STATE LEGISLATURE

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R.D.S.

L.D. 891

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DATE: 4.5.04

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT **B** to COMMITTEE AMENDMENT "A" to S.P. 286, L.D. 891, Bill, "An Act To Require the Videotaping of Police Interrogations"

Amend the amendment in section 1 in that part designated "~~§801-A.~~" in subsection 1 in paragraph C in the last line (page 2, line 4 in amendment) by inserting after the following: "station" the following: 'but not a police vehicle'

Further amend the amendment in section 1 in that part designated "~~§801-A.~~" by striking out all of subsection 2 (page 2, lines 6 to 23 in amendment) and inserting in its place the following:

'2. Certain statements may be declared inadmissible. A statement made by a person accused of murder or felony murder as defined in Title 17-A, sections 201 and 202 or gross sexual assault as defined in Title 17-A, section 253 or accused of a juvenile crime that if committed by an adult would be a Class A crime may be declared inadmissible by the court if the statement was made as a result of a custodial interrogation that was conducted at a place of detention and the statement is not an electronic recording presented in a substantially accurate and unaltered manner.

In determining whether such a statement is admissible, the court shall consider whether the person seeking to have the statement admitted has demonstrated by a preponderance of evidence that the statement is reliable.

SENATE AMENDMENT

Ref.

SENATE AMENDMENT 'B' to COMMITTEE AMENDMENT "A" to S.P. 286,
L.D. 891

2 The provisions of this subsection are in addition to any showing
3 of voluntariness required prior to admission of that statement in
4 court. This subsection may not be construed to require the court
5 to declare that a statement is admissible.'

6
7 Further amend the amendment in section 1 in that part
8 designated "~~§801-A.~~" in subsection 3 in paragraph D in the last
9 line (page 2, line 38 in amendment) by striking out the
10 following: "or"


11 Further amend the amendment in section 1 in that part
12 designated "~~§801-A.~~" in subsection 3 in paragraph E in the first
13 line (page 2, line 40 in amendment) by striking out the
14 following: "State." and inserting in its place the following:
15 "State; or"

16
17 Further amend the amendment in section 1 in that part
18 designated "~~§801-A.~~" in subsection 3 by inserting after paragraph
19 E the following:

20
21 'F. The person being interrogated requested, in writing or
22 in a recording, that the statement not be recorded.'

26 SUMMARY

27 This amendment provides that a "place of detention" does not
28 include a police vehicle. It also provides that a statement made
29 by a person accused of murder, felony murder, gross sexual
30 assault or a juvenile crime that if committed by an adult would
31 be a Class A crime may be declared inadmissible by the court if
32 the statement was made as a result of a custodial interrogation
33 that was conducted at a place of detention and the statement is
34 not an electronic recording presented in a substantially accurate
35 and unaltered manner. It further provides that an unrecorded
36 statement is not subject to these provisions if the person being
37 interrogated requested, in writing or in a recording, that the
38 statement not be recorded.

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43 SPONSORED BY: 
44 (Senator STRIMLING)

45 COUNTY: Cumberland

SENATE AMENDMENT