



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 640: Various Criminal Procedure Changes.

2023-2024 General Assembly

| | | | |
|-----------------------|--|---------------------|---|
| Committee: | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | Date: | April 26, 2023 |
| Introduced by: | Sens. Britt, B. Newton, Daniel | Prepared by: | Robert Ryan Anna Parsons Staff Attorney |
| Analysis of: | First Edition | | |

OVERVIEW: Senate Bill 640 would expand provisions surrounding the electronic recording of custodial interrogations in places of detention and would require Indigent Defense Services be notified of exculpatory post-conviction CODIS hits.

Section 1

CURRENT LAW: G.S. 15A-211 currently requires custodial interrogations of juveniles in criminal investigations, and custodial interrogations of any person involved in an investigation related to a Class A, B1, or B2 felony, and specific Class C felonies, be electronically recorded when the interrogation is conducted at any place of detention. The recording must include the entirety of the interrogation and both audio and visual components, when feasible.

Any statement made by a defendant during a custodial interrogation may be presented as evidence if an electronic recording was made of the interrogation in its entirety and if the statement is otherwise admissible. Any statement made by a defendant during or after a custodial interrogation that was not electronically recorded may be questioned regarding the voluntariness and reliability of the statement.

The remainder of G.S. 15A-211 discusses the remedies available for noncompliance with the electronic recording requirement; statements whose admission is not precluded by the Article; and destruction of recordings after appeals have been exhausted.

BILL ANALYSIS: Section 1 of Senate Bill 640 would modify G.S. 15A-211 so that the electronic recording requirements would be applicable to the following:

- All law enforcement interviews and custodial interrogations of juveniles in criminal investigations when conducted at any place of detention.
- All law enforcement interviews and custodial interrogations of any person in a felony criminal investigation conducted at any place of detention.

Section 1 would also require recordings of non-defendant interviews or custodial interrogations be provided to a juvenile or defendant as part of discovery requirements; allow recordings of non-defendant interviews or interrogations to be destroyed at the conclusion of the State appeal process; and makes technical and conforming changes.

Section 1 would become effective October 1, 2023, and apply to interviews and custodial interrogations occurring on or after that date.

Jeffrey Hudson
Director



Legislative Analysis
Division

Senate Bill 640

Page 2

Section 2

CURRENT LAW: G.S. 15A-266.7 requires the North Carolina State Crime Laboratory (Crime Laboratory) to adopt procedures related to the collection, security, submission, identification, analysis, and storage of DNA samples and to adopt quality assurance guidelines. All DNA samples are stored in the State DNA Databank and testing records kept on file at the Crime Laboratory. DNA profiles are accessible through Combined DNA Index System (CODIS), a national system of DNA profiles created and maintained by the Federal Bureau of Investigation.

BILL ANALYSIS: **Section 2** of Senate Bill 640 would require the Crime Laboratory adopt procedures for notifying Indigent Defense Services of post-conviction CODIS hits that are exculpatory in nature.

Section 2 would become effective October 1, 2023.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.