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Substitute Bill Comparative Synopsis

Sub. H.B. 277

133rd General Assembly

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_0009-4)
Recording of custodial interrogations	
<p>Maintains existing law, which provided that a law enforcement officer's failure to electronically record a custodial interrogation does not create a private cause of action against that law enforcement officer (<i>R.C. 2933.81(B)</i>).</p> <p>Requires, in one exception to the electronic recording requirement for custodial interrogations, that the interrogation occurs when no law enforcement officer conducting the interrogation has any knowledge that would lead an officer to reasonably believe that the individual committed an offense for which electronic recording is required under the bill (<i>R.C. 2933.81(C)(6)</i>).</p>	<p>Expands that protection from a private cause of action to any person or agency (<i>R.C. 2933.81(B)</i>).</p> <p>Instead requires, in that exception, that the interrogation occurs when no law enforcement officer conducting the interrogation has <i>reason to believe</i> that the individual <i>attempted to commit, conspired to commit, was complicit in committing,</i> or committed an offense for which electronic recording is required under the bill (<i>R.C. 2933.81(C)(6)</i>).</p>

Previous Version (As Introduced)	Latest Version (I_133_0009-4)
<p>Specifies that if, during a custodial interrogation, the individual reveals information that gives a law enforcement officer reason to believe that an offense is one for which electronic monitoring is required, continued custodial interrogation concerning that offense must be electronically recorded, unless another exception under the bill applies (R.C. 2933.81(C)(6)).</p>	<p>No provision.</p>
<p>Allows a court to still admit evidence from a custodial interrogation if a law enforcement agency fails to electronically record that interrogation as required by the bill (R.C. 2933.81(E)).</p>	<p>Clarifies that a court is allowed, but not required to admit that evidence (R.C. 2933.81(E)).</p>
<p>If a law enforcement agency fails to electronically record a custodial interrogation as required by the bill and an exception to the bill's requirements applies, <i>permits</i> the court to admit the evidence without a cautionary instruction (R.C. 2933.81(E)).</p>	<p>Instead <i>requires</i> the court to admit evidence without a cautionary instruction if the prosecution establishes by a preponderance of the evidence that one of the bill's exceptions to the electronic recording requirement is met (R.C. 2933.81(E)(1)).</p>
<p>If the prosecution does not establish by a preponderance of the evidence that one of the exceptions applies, requires the court to provide a cautionary instruction to the jury that the failure to record the interrogation is a violation of state law (R.C. 2933.81(E)).</p>	<p>If the prosecution does not establish by a preponderance of the evidence that one of the exceptions applies, requires the court to provide a cautionary instruction to the jury that it <i>may consider the failure to record the custodial interrogation in determining the reliability of the evidence</i> (R.C. 2933.81(E)(2)).</p>
<p>Requires a failure to electronically record a statement, as required by the bill, to be considered in adjudicating motions to exclude or suppress the statement in any criminal proceeding, delinquent child proceeding, or other legal proceeding (R.C. 2933.81(D)).</p>	<p>Instead <i>allows</i> that failure to be considered in adjudicating motions to exclude or suppress the statements and specifies that the failure must not be the sole basis for excluding or suppressing the statements in those specified proceedings (R.C. 2933.81(D)).</p>