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Office

H.B. 8
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 8's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsors: Reps. West and Plummer

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst

Highlights

- The bill's modifications to the prohibition against restraining a pregnant woman or child may save state and local entities time and effort that may have otherwise been expended in order to comply with the existing prohibition.

Detailed Analysis

The bill revises the law governing the electronic recording of custodial interrogations and the restraint of a pregnant woman or child. The bill includes an emergency clause for the provisions related to the restraint of a pregnant woman or child, but delays the day on which the provisions related to the electronic recording of custodial interrogations take effect until the day that is 90 days after the bill's effective date.¹

Custodial interrogations

The bill modifies the law governing electronic recording of custodial interrogations by requiring the recording of all statements made by a person suspected of committing certain criminal offenses during a custodial interrogation. It appears to be the practice of law enforcement agencies generally to record custodial interrogations in such circumstances. This suggests that there should be no discernible ongoing costs for law enforcement agencies to comply with the electronic recording requirement.

The bill also provides guidance to the trial court regarding the admissibility of evidence obtained from a custodial interrogation where law enforcement did not electronically record a

¹ Sections 3 and 4.

statement as required. There should be no discernible costs for trial courts to incorporate this provision into their legal proceedings.

Restraint of a pregnant woman or child

The bill changes provisions enacted by H.B. 1 of the 133rd General Assembly, effective April 12, 2021, regarding the prohibition against the restraint of a pregnant woman or child who is charged or has been convicted of an offense. The changes, which will go into immediate effect if enacted, may save state and local entities time and effort that otherwise may have been expended to comply with the existing prohibition.