

110TH CONGRESS
1ST SESSION

H. R. 3027

To amend title 18, United States Code, to require the electronic recording of custodial interrogations in Federal criminal cases.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mr. ELLISON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require the electronic recording of custodial interrogations in Federal criminal cases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Effective Law Enforce-
5 ment through Transparent Interrogations Act of 2007”.

6 **SEC. 2. RECORDING OF FEDERAL INVESTIGATIVE INTER-**
7 **ROGATIONS.**

8 (a) IN GENERAL.—Chapter 223 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

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1 **“§ 3512. Recording of Federal investigative interroga-**
2 **tions**

3 “(a) **GENERALLY REQUIRED.**—Except as provided in
4 this section, statements by an individual obtained in an
5 unrecorded custodial interrogation after the date of the
6 enactment of this section are inadmissible against that in-
7 dividual in a prosecution for a Federal felony.

8 “(b) **EXCEPTIONS.**—Subsection (a) does not apply if
9 the court determines an imminent threat of bodily injury
10 or other exigent circumstance made the recording of the
11 interrogation impracticable.

12 “(c) **DEFINITIONS.**—In this section—

13 “(1) the term ‘custodial interrogation’ means
14 questioning of an individual while the individual is in
15 the custody of a law enforcement officer in connec-
16 tion with a criminal investigation;

17 “(2) the term ‘unrecorded’ means, with respect
18 to a custodial interrogation, that the interrogation,
19 including the advice required by law to be given to
20 the individual of that individual’s constitutional
21 rights, was not entirely captured in an electronic re-
22 cording that is available at the time of the trial for
23 the felony in which evidence is sought to be intro-
24 duced;

25 “(3) the term ‘electronic recording’ means a
26 complete and authentic electronic recording created

1 by visual or audio media, including by motion pic-
2 ture, videotape, audio tape or digital media; and

3 “(4) the term ‘law enforcement officer’ means
4 an individual acting with public authority to inves-
5 tigate or prosecute a criminal offense.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 223 of title 18, United States
8 Code, is amended by adding at the end the following new
9 item:

“3512. Recording of Federal investigative interrogations.”.

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