

Chapter 8 Lineups

77-8-1 Order of magistrate -- Grounds -- Arrested suspect's appearance without order.

- (1) A magistrate may issue an order requiring a suspect to appear in a lineup when probable cause exists to believe a crime has been committed and there is reason to believe the suspect committed it.
- (2) A suspect who has been arrested, and is in custody, may be required by a peace officer to appear in a lineup without a court order.
- (3) Upon application of any suspect and a showing of good cause, a magistrate may order a lineup.

Enacted by Chapter 15, 1980 General Session

77-8-2 Suspect's right to have attorney present.

A suspect has the right to have his attorney present at any lineup. The magistrate or party in charge of the lineup shall notify the suspect of this right. Every suspect unable to employ counsel shall be entitled to representation by an attorney appointed by a magistrate for a lineup either before or after an arrest.

Enacted by Chapter 15, 1980 General Session

77-8-3 Conduct of peace officer.

The peace officers conducting a lineup shall not attempt to influence the identification of any particular suspect.

Enacted by Chapter 15, 1980 General Session

77-8-4 Record of proceedings -- Access by suspect.

The entire lineup procedure shall be recorded, including all conversations between the witnesses and the conducting peace officers. The suspect shall have access to and may make copies of the record and any photographs taken of him or any other persons in connection with the lineup.

Enacted by Chapter 15, 1980 General Session