

Representative Wayne A. Harper proposes the following substitute bill:

VIDEOTAPE OF MINORS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill sets specific requirements for interviewing children during investigations into abuse.

Highlighted Provisions:

This bill:

- ▶ requires that all interviews of children be videotaped or similarly recorded;
- ▶ requires that the child and interviewer be simultaneously recorded; and
- ▶ requires that the recording be continuous and display time and date **H** ;
- ▶ **PROVIDES THAT INTERVIEWS ARE TO BE CONDUCTED IN AN EXISTING CHILDREN'S JUSTICE CENTER FACILITY, WHEN AVAILABLE;**
- ▶ **ENCOURAGES A WORKER TO AUDIOTAPE ALL § [INVESTIGATIVE INTERVIEWS]**

INTERACTIONS § WITH A CHILD; AND

- ▶ **ALLOWS AN ACCOMPANYING PARENT OR GUARDIAN TO AUDIOTAPE INTERACTIONS BETWEEN THE WORKER AND THE CHILD **h** .**

Monies Appropriated in this Bill:

None

Other Special Clauses:

§ [None] THIS BILL PROVIDES AN EFFECTIVE DATE. §

Utah Code Sections Affected:

ENACTS:

62A-4a-414, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-4a-414** is enacted to read:

62A-4a-414. Interviews of children -- Recording required.



26 Ĥ (1) ĥ Interviews of children during an investigation in accordance with Section
 26a 62A-4a-409

27 shall be conducted only under the following conditions:

28 Ĥ [(1)] (a) ĥ the interview shall be recorded visually and aurally on film, videotape, or by
 28a other
 29 electronic means;

30 Ĥ [(2)] (b) ĥ both the interviewer and the child shall be simultaneously recorded and visible
 30a on
 31 the final product;

32 Ĥ [(3)] (c) ĥ the time and date of the interview shall be continuously and clearly visible to
 32a any
 33 subsequent viewer of the recording. § ~~Ĥ OR CLEARLY STATED AT THE BEGINNING OF ANY AUDIO~~
 33a ~~TAPING SESSION ĥ~~ § ; and

34 Ĥ [(4)] (d) ĥ the recording equipment shall run continuously for the duration of the interview.

34a § ~~Ĥ (2) IF REASONABLY AVAILABLE, INTERVIEWS CONDUCTED IN ACCORDANCE WITH THIS~~
 34b ~~SECTION SHALL BE CARRIED OUT IN AN EXISTING CHILDREN'S JUSTICE CENTER OR IN OTHER~~
 34c ~~INTERVIEW ROOMS. IF CIRCUMSTANCES REQUIRE THAT AN INTERVIEW TAKE PLACE OUTSIDE OF~~
 34d ~~A PREPARED FACILITY, THE INTERVIEWER SHALL USE THE BEST EQUIPMENT AND THE BEST~~
 34e ~~SETTING AVAILABLE UNDER THE CIRCUMSTANCES.~~

34f ~~(3) A WORKER WHO MEETS WITH A CHILD FOR THE PURPOSES OF AN INVESTIGATIVE~~
 34g ~~INTERVIEW SHALL BE ENCOURAGED TO RECORD THE INTERVIEW SESSION BY MEANS OF~~
 34h ~~AUDIOTAPE.]~~

34h1 ~~(2) INTERVIEWS CONDUCTED IN ACCORDANCE WITH SUBSECTION (1) SHALL BE CARRIED OUT IN AN~~
 34h2 ~~EXISTING~~
 34h3 ~~CHILDREN'S JUSTICE CENTER OR IN A SOFT INTERVIEW ROOM, WHEN AVAILABLE.~~

34h4 ~~(A) IF THE CHILDREN'S JUSTICE CENTER OR A SOFT INTERVIEW ROOM IS NOT AVAILABLE, THE~~
 34h5 ~~INTERVIEWER~~
 34h6 ~~SHALL USE THE BEST SETTING AVAILABLE UNDER THE CIRCUMSTANCES.~~

34h7 ~~(B) IF THE EQUIPMENT REQUIRED UNDER SUBSECTION (1) IS NOT AVAILABLE, THE INTERVIEW SHALL BE~~
 34h8 ~~AUDIOTAPED, PROVIDED THAT THE INTERVIEWER SHALL CLEARLY STATE ON THE TAPE:~~

34h9 ~~(i) THE TIME, DATE, AND PLACE OF THE INTERVIEW;~~

34h10 ~~(ii) THE FULL NAME AND AGE OF THE CHILD BEING INTERVIEWED; AND~~

34h11 ~~(iii) THAT THE EQUIPMENT REQUIRED UNDER SUBSECTION (1) IS NOT AVAILABLE AND WHY.~~

34h12 ~~(3) A WORKER WHO MEETS WITH A CHILD SUBSEQUENT TO THE INITIAL INVESTIGATIVE INTERVIEW SHALL BE~~
 34h13 ~~ENCOURAGED TO RECORD ANY INTERACTION BY MEANS OF AN AUDIOTAPE. AT THE BEGINNING OF THE~~
 34h14 ~~TAPE, THE WORKER SHALL STATE CLEARLY THE TIME, DATE, AND PLACE OF THE MEETING, AND THE FULL~~
 34h15 ~~NAME AND AGE OF THE CHILD IN ATTENDANCE.~~

34i ~~[(4) A PARENT OR GUARDIAN WHO ACCOMPANIES A CHILD WHILE MEETING WITH A~~

34j ~~WORKER MAY NOT BE PROHIBITED FROM AUDIOTAPING THE INTERACTION BETWEEN THE CHILD §~~

34k ~~AND WORKER.] ĥ~~

34l ~~SECTION 2. EFFECTIVE DATE.~~

34m ~~THIS ACT TAKES EFFECT JULY 1, 2004. §~~

AMENDED BILL

State Impact

Fiscal impact of this amended legislation to DCFS is estimated at \$211,800 (\$173,600 General Fund) for FY 2005, which includes two additional staff FTEs and one-time equipment purchases. For FY 2006, the continuing cost is estimated at \$105,900 (\$86,800 General Fund). The federal funds would be drawn down dependent on the expenditure of state funds. If there results significant increased demand for use of Children's Justice Centers and other video facilities, these would have to consider expanding their capacities.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$173,600	\$105,900	\$0	\$0
Federal Funds	\$38,200	\$19,100	\$38,200	\$19,100
TOTAL	\$211,800	\$125,000	\$38,200	\$19,100

Individual and Business Impact

No fiscal impact.
