

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 investigative interviews of children be videotaped or similarly recorded;
- ▶ requires that the child and interviewer be simultaneously recorded;
- ▶ requires that the recording be continuous and display time and date; and
- ▶ encourages a worker to audiotape all interviews that are not videotaped.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2004.

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.

(1) (a) Interviews of children during an investigation in accordance with Section 62A-4a-409, and involving allegations of sexual abuse or serious physical abuse of a child, shall

be conducted only under the following conditions:

(i) the interview shall be recorded visually and aurally on film, videotape, or by other electronic means;

(ii) both the interviewer and the child shall be simultaneously recorded and visible on the final product;

(iii) the time and date of the interview shall be continuously and clearly visible to any subsequent viewer of the recording; and

(iv) the recording equipment shall run continuously for the duration of the interview.

(b) This Subsection (1) does not apply to initial or minimal interviews conducted in accordance with Subsection 62a-4a-409(9)(b) or (c).

(2) Interviews conducted in accordance with Subsection (1) shall be carried out in an existing Children's Justice Center or in a soft interview room, when available.

(a) If the Children's Justice Center or a soft interview room is not available, the interviewer shall use the best setting available under the circumstances.

(b) If the equipment required under Subsection (1) is not available, the interview shall be audiotaped, provided that the interviewer shall clearly state at the beginning of the tape:

(i) the time, date, and place of the interview;

(ii) the full name and age of the child being interviewed; and

(iii) that the equipment required under Subsection (1) is not available and why.

(3) All other investigative interviews shall be audiotaped using electronic means. At the beginning of the tape, the worker shall state clearly the time, date, and place of the meeting, and the full name and age of the child in attendance.

Section 2. Effective date.

This bill takes effect on July 1, 2004.