

Vernon's Annotated Missouri Statutes

Title XXXVIII. Crimes and Punishment; Peace Officers and Public Defenders

Chapter 590. Peace Officers, Selection, Training and Discipline (Refs & Annos)

Custodial Interrogations

V.A.M.S. 590.700

590.700. Definitions--recording required for certain crimes--may be recorded, when--written policy required--violation, penalty

Effective: August 28, 2013 to December 31, 2016

[Currentness](#)

<Text of section eff. until Jan. 1, 2017. See, also, section eff. Jan. 1, 2017.>

1. As used in this section, the following terms shall mean:

(1) **“Custodial interrogation”**, the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. “Custodial interrogation” shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) **“Recorded”** and **“recording”**, any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the State of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not

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be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

Credits

(L.2009, H.B. No. 62, § A (§ 590.701). Amended by L.2013, H.B. No. 215, § A, eff. Aug. 28, 2013.)

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Statutes are current through the end of the 2014 Second Regular Session of the 97th General Assembly. Constitution is current through the November 4, 2014 General Election.

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