

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Bacon

1 Amend the Judiciary Committee Report, March 31, 2021, page 5, strike  
2 lines 26 through 41 and substitute:

3 "(e) (I) WHEN CONDUCTING A SHOWUP, A P.O.S.T.-CERTIFIED  
4 PEACE OFFICER SHALL VERBALLY COMMUNICATE TO THE EYEWITNESS THE  
5 SUBSTANCE OF THE FOLLOWING STATEMENTS:

6 (A) YOU SHOULD NOT ASSUME THE PERSON YOU ARE ABOUT TO SEE  
7 HAS COMMITTED A CRIME;

8 (B) WE COULD BE SHOWING YOU A PERSON FOR MANY REASONS,  
9 INCLUDING TO CLEAR THE PERSON FROM INVESTIGATION;

10 (C) ELIMINATING A PERSON FROM AN INVESTIGATION SERVES AN  
11 EQUALLY IMPORTANT PURPOSE AS IDENTIFYING A PERSON WHO MIGHT  
12 HAVE BEEN INVOLVED IN THE CRIMINAL ACTIVITY;

13 (D) THE INVESTIGATION OF THIS MATTER WILL CONTINUE  
14 WHETHER OR NOT YOU IDENTIFY A PERSON;

15 (E) APART FROM INDIVIDUAL ASSISTANCE AND COOPERATION WITH  
16 LAW ENFORCEMENT, WE CANNOT DISCUSS THE INVESTIGATION WITH YOU;  
17 AND

18 (F) PLEASE DO NOT DISCUSS WHAT YOU SAW, SAID, OR DID DURING  
19 THIS PROCEDURE WITH ANY OTHER EYEWITNESS.

20 (II) THE P.O.S.T.-CERTIFIED PEACE OFFICER SHALL ASK THE  
21 EYEWITNESS IF THEY UNDERSTAND THE INSTRUCTIONS, IF THEY AGREE TO  
22 COMPLY WITH THE INSTRUCTIONS, AND IF THEY HAVE ANY QUESTIONS  
23 BEFORE THE IDENTIFICATION PROCEDURES BEGINS. THE EYEWITNESS MUST  
24 RESPOND AFFIRMATIVELY IN ORDER FOR THE SHOWUP TO PROCEED."

25 Page 6, strike lines 1 through 10.

\*\* \*\* \*\* \*\* \*\*