

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1155 be amended as follows:

1 Amend printed bill, page 2, strike lines 4 and 5 and substitute:

2 **"16-3-406. Custodial interrogation - admissibility - legislative**
3 **declaration - definition.** (1) THE GENERAL ASSEMBLY FINDS AND
4 DECLARES THAT:

5 (a) THE UNITED STATES CONSTITUTION AND THE STATE
6 CONSTITUTION DECLARE A PRIVILEGE AGAINST SELF-INCRIMINATION AND
7 A RIGHT TO COUNSEL TO BE FUNDAMENTAL RIGHTS;

8 (b) WITHOUT PROCEDURAL SAFEGUARDS, CUSTODIAL
9 INTERROGATION BY LAW ENFORCEMENT CAN LEAD TO INHERENTLY
10 COMPELLING PRESSURES THAT WORK TO UNDERMINE THE WILL OF THE
11 INDIVIDUAL SUBJECTED TO THE INTERROGATION;

12 (c) PRIOR TO CUSTODIAL INTERROGATION, AN INDIVIDUAL MUST BE
13 CLEARLY AND UNEQUIVOCALLY APPRISED OF THE INDIVIDUAL'S RIGHTS;

14 (d) THE EXERCISE OF THESE RIGHTS PRIOR TO OR DURING
15 CUSTODIAL INTERROGATION MUST BE FULLY HONORED;

16 (e) IN *MIRANDA V. ARIZONA*, 384 U.S. 436 (1966), THE UNITED
17 STATES SUPREME COURT RECOGNIZED PROCEDURAL SAFEGUARDS AND
18 THAT AN ADVISEMENT MUST BE GIVEN PRIOR TO ANY CUSTODIAL
19 INTERROGATION IN ORDER FOR STATEMENTS FROM THAT CUSTODIAL
20 INTERROGATION TO BE ADMITTED AT TRIAL BY THE PROSECUTION;

21 (f) THE COURT FURTHER STATED IN *MIRANDA* THAT STATES ARE
22 FREE TO DEVELOP THEIR OWN SAFEGUARDS CONSISTENT WITH *MIRANDA*;

23 (g) IN THE DECADES THAT HAVE FOLLOWED *MIRANDA V. ARIZONA*,
24 EXPERIENCE HAS DEMONSTRATED THAT PROCEDURAL SAFEGUARDS TO
25 INFORM INDIVIDUALS OF THEIR RIGHTS AND TO HONOR EXERCISE OF THEIR
26 RIGHTS ARE BENEFICIAL AND JUST;

27 (h) COLORADO SHOULD JOIN OTHER STATES THAT HAVE CODIFIED
28 SUCH PROCEDURAL SAFEGUARDS; AND

29 (j) IT IS THE INTENT OF GENERAL ASSEMBLY THAT COLORADO
30 SHOULD THEREFORE PROVIDE INDEPENDENT STATUTORY PROTECTION
31 CONSISTENT WITH *MIRANDA* IN NO GREATER OR LESSER DEGREE.

32 (2) AS USED IN THIS SECTION, "CUSTODIAL INTERROGATION" HAS
33 THE".

34 Renumber succeeding subsections accordingly.

35 Page 2, line 25, strike "(2)" and substitute "(3)".

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