

AMENDED IN ASSEMBLY JANUARY 14, 2000

AMENDED IN ASSEMBLY JANUARY 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1326

Introduced by Assembly Member Baugh

February 26, 1999

An act relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1326, as amended, Baugh. Peace officers: interrogations.

Constitutional law requires that when a law enforcement officer interrogates a suspect who is in custody, with limited exceptions, all questioning must cease as soon as the suspect unequivocally invokes his or her right to remain silent or have an attorney present.

This bill would express the intent of the Legislature to uphold this provision and state its finding that the provision is declaratory of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that
2 when conducting an interrogation of a suspect in custody,
3 if the suspect unequivocally invokes his or her right to



1 remain silent or right to have an attorney present, law
2 enforcement officers must cease questioning the suspect
3 for any purpose other than to obtain nonincriminating
4 booking information or to protect public safety *unless the*
5 *suspect voluntarily initiates further communication with*
6 *law enforcement officers.* The Legislature finds that this
7 is declaratory of existing law.

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