

MEMORANDUM

TO: Committee on Recordation of Custodial Interrogations

FROM: Andrew E. Taslitz, Reporter

DATE: November 10, 2009

RE: *Revised Draft and Revised Commentary*

Attached are the revised draft of the proposed uniform act and the revised draft of the act with commentary. New provisions in the act are underlined in black. Additions to, and deletions from, the act and the supporting commentary are indicated in more detail in redline in the document containing the act with commentary.

The full Commission responded very positively to the act at the July meeting. Accordingly, David Gibson and I have made relatively few changes to the text of the act. The most important change is the deletion of a specific jury instruction and its replacement with a short, general requirement that an instruction be given as a remedy (the original detailed instruction has been moved to commentary).

More extensive changes have been made in the commentary. Review should not be too burdensome as, if you wish, you might peruse only the redlined matter rather than re-reading the entire document (whether our Chair agrees with this advice, we will have to see).

The documents are by no means complete. I have a few more cites to add to the draft comments, want to draft a section on the confrontation clause, and want to make some other relatively small changes. However, I wanted to get both these documents out now to give you ample time to review them before our December meeting. Moreover, should the Committee decide to make any further changes to the Act or commentary, I will need to continue work on both documents, so I thought it more efficient simply to forward these materials in their current form. The tinkering I would do would not, I believe, improve upon your having all the information you need to prepare for our December meeting.

I look forward to seeing all of you next month.

Warmest regards, Taz