

**RCW 10.122.130 Procedural remedies.** (1) Unless the court finds that an exception in RCW 10.122.050 through 10.122.100 applies, the court shall consider the failure to record electronically all or part of a custodial interrogation to which RCW 10.122.030 applies in determining whether a statement made during the interrogation is admissible, including whether it was voluntarily made.

(2) If the court admits into evidence a statement made during a custodial interrogation that was not recorded electronically in compliance with RCW 10.122.030, the court shall afford the defendant the opportunity to present to the jury the fact that the statement was not recorded electronically in compliance with RCW 10.122.030. [2021 c 329 s 13.]