



General Assembly

Substitute Bill No. 1071

January Session, 2023



AN ACT CONCERNING DECEPTIVE OR COERCIVE INTERROGATION TACTICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this
2 section, "deception or coercive tactics" includes, but is not limited to,
3 any tactic that:

4 (1) Unreasonably deprives the person being interrogated of physical
5 or mental health needs that were known, or should have been known
6 to exist, including, but not limited to, food, sleep, use of the restroom
7 or prescribed medications;

8 (2) Uses or threatens the use of physical force upon the person being
9 interrogated or another person for purposes of compelling an
10 admission, confession or statement;

11 (3) Uses or threatens the unlawful arrest of another person;

12 (4) Uses or threatens the imposition of unlawful penalties upon the
13 person being interrogated or another person; or

14 (5) Uses or threatens the imposition of unlawful administrative or
15 immigration sanctions upon the person being interrogated or another
16 person.

17 (b) If the person being interrogated is under eighteen years of age,
18 "deception or coercive tactics" further includes any tactic that:

19 (1) Communicates false facts about evidence that were known to the
20 law enforcement agency official or their agent or should have been
21 known to the law enforcement agency official or their agent to be false;

22 (2) Communicates false statements or misrepresentations of the law
23 that were known or should have been known to be false statements or
24 misrepresentations; or

25 (3) Communicates false or misleading promises of leniency or some
26 other benefit or reward that were known or should have been known
27 to be false or misleading.

28 (c) Except as provided in subsection (d) of this section, any
29 admission, confession or statement, whether written or oral, made by
30 any person during a custodial interrogation by a law enforcement
31 agency official or such official's agent, shall be presumed to be
32 involuntary and inadmissible in any proceeding if the law enforcement
33 agency official or such official's agent engaged in deception or coercive
34 tactics during such interrogation.

35 (d) The presumption that any such admission, confession or
36 statement is involuntary and inadmissible may be overcome if the state
37 proves by clear and convincing evidence that (1) the admission,
38 confession or statement was voluntary and not induced by the use of
39 deception or coercive tactics, and (2) any alleged use of deception or
40 coercive tactics did not undermine the reliability of the person's
41 admission, confession or statement and did not create a substantial risk
42 that the person might falsely incriminate such person's self.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2023 | New section |

JUD *Joint Favorable Subst.*