

The Department of Public Safety recommends the following amendments to S. 6 as introduced:

- **Redefine “deception” to “intentionally using information known by the officer to be false at the time of the interview to elicit a statement.”** This definition is adapted from Oregon [Senate Bill 418](#) and clarifies that information is known to be false at the time of the interrogation. The definition of deception in the bill as introduced raises a question of the intended distinction between “communication of false facts about evidence,” and “misrepresenting the accuracy of the facts.” This proposal eliminates that issue and provides clear direction to law enforcement regarding what conduct is prohibited.
- **Strike references to “psychologically manipulative interrogation tactics” throughout the bill.** This topic is addressed by the existing voluntariness standard, and subsections (C) and (D) are unclear. Subsection (D) is overbroad because it includes providing truthful information to suspects, which occurs routinely.
- **Change the proof burden to preponderance of the evidence.** A preponderance standard is consistent with the existing constitutional voluntariness analysis. Delaware ([House Bill 419](#)) and Illinois ([Public Act 102-0101](#)) use this proof burden. While this is the same proof burden as the voluntariness analysis, the proof **standard** under this bill is different than the voluntariness analysis.
- Change proof standard to **“the statement is reliable and was not induced by the use of deception.”** This is the proof standard used in Delaware ([House Bill 419](#)). This is a simple and straightforward definition that addresses the issue identified in testimony: the reliability of the statement. The proof standards in the bill as introduced are more complex and less clear.

Additionally, the Department recommends maintaining a delayed effective date to permit training on the new law and retaining the age threshold of 18.