

Enrolled
Senate Bill 418

Sponsored by Senator GORSEK; Senators DEMBROW, MANNING JR, Representatives DEXTER, HUDSON, PHAM, REARDON, SALINAS (Presession filed.)

CHAPTER

AN ACT

Relating to law enforcement interviews of persons under 18 years of age.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A statement made by a person during a custodial interview conducted by a peace officer is presumed to be involuntary if the person is under 18 years of age and the statement is made in connection with an investigation into a misdemeanor or a felony, or an allegation that the person being interviewed committed an act that, if committed by an adult would constitute a misdemeanor or a felony, and the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement. This presumption may be overcome if the state proves by clear and convincing evidence that the statement was voluntary and not made in response to the false information used by the peace officer to elicit the statement.

(2) As used in this section:

(a) "Custodial interview" has the meaning given that term in ORS 133.402.

(b) "Peace officer" has the meaning given that term in ORS 133.005.

SECTION 2. Section 1 of this 2021 Act applies to custodial interviews conducted on or after the effective date of this 2021 Act.

Passed by Senate May 24, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 15, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State