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This summary is of a bill that was vetoed by the Governor and may be reconsidered by the General Assembly prior to final adjournment of the 2023–2024 legislative session. This summary is provided for the convenience of the public and members of the General Assembly; it provides a general summary of the bill and may not be exhaustive. This summary has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly and is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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### **S.6 (Vetoed). Crimes; innocence protection; custodial interrogation**

This bill would have prohibited law enforcement officers, school resource or safety officers, and other government agents acting at the direction of those officers from employing threats, physical harm, or deception during the custodial interrogation of a person under 22 years of age. Any admission, confession, or statement made by such a person in violation of the prohibition would have been presumed inadmissible in court unless the State could prove by clear and convincing evidence that the admission, confession, or statement was voluntary, not induced by threats, physical harm, or deception, and that such threats, physical harm, or deception did not undermine the reliability of the admission, confession, or statement.

This bill would have also required the Vermont Criminal Justice Council, in consultation with various stakeholders, to create a model interrogation policy grounded in evidence-based best practices to limit and eventually eliminate the use of deception in law enforcement interrogations. The policy would have covered all persons subject to various forms of interrogation, including individuals with developmental, intellectual, and psychiatric disabilities; substance use disorders; and low literacy levels. All law enforcement agencies and constables exercising law enforcement authority would have been required to adopt the policy. The Vermont Criminal Justice Council would have had to incorporate the policy's components into the training it provides and periodically review the policy, and if necessary, update it.

This bill would have also created a Director of Policy position within the Vermont Criminal Justice Council to supervise the development, oversight, and compliance work related to the Council's policies.

Vetoed by the Governor: June 1, 2023.

Effective Date: Not applicable