



General Assembly

January Session, 2023

Raised Bill No. 1071

LCO No. 4381



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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 section,
2 "deception or coercive tactics" includes, but is not limited to, any tactic
3 that:

4 (1) Deprives the person being interrogated of physical or mental
5 health needs, including, but not limited to, food, sleep, use of the
6 restroom or prescribed medications;

7 (2) Uses or threatens the use of physical force upon the person being
8 interrogated or another person;

9 (3) Uses means or undue pressure to impair the physical or mental
10 condition of the person being interrogated to the extent of undermining
11 the person's ability to make an informed choice whether to make a
12 statement;

13 (4) Uses or threatens the unwarranted criminalization of another

14 person;

15 (5) Uses or threatens the unwarranted use of enhanced penalties
16 upon the person being interrogated or another person; or

17 (6) Violates the constitutional rights of the person being interrogated;
18 and

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

21 (A) Communicates false facts about evidence that were known or
22 should have been known to be false;

23 (B) Communicates false statements or misrepresentations of the law;
24 or

25 (C) Communicates false or misleading promises of leniency or some
26 other benefit or reward.

27 (b) Any admission, confession or statement, whether written or oral,
28 made by any person during a custodial interrogation by a law
29 enforcement agency official or their agent, shall be presumed to be
30 involuntary and inadmissible in any proceeding if the law enforcement
31 agency official or their agent engaged in deception or coercive tactics
32 during such interrogation.

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

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

Statement of Purpose:

To limit the use as evidence of any admission, confession or statement made by a person during a custodial interrogation by a law enforcement agency official, if the law enforcement agency official engaged in deception or coercive tactics during such interrogation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]