

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 adding Section 5-401.6 as follows:

6 (705 ILCS 405/5-401.6 new)

7 Sec. 5-401.6. Prohibition of deceptive tactics.

8 (a) In this Section:

9 "Custodial interrogation" means any interrogation (i)
10 during which a reasonable person in the subject's position
11 would consider himself or herself to be in custody and (ii)
12 during which a question is asked that is reasonably likely to
13 elicit an incriminating response.

14 "Deception" means the knowing communication of false facts
15 about evidence or unauthorized statements regarding leniency
16 by a law enforcement officer or juvenile officer to a subject
17 of custodial interrogation.

18 "Place of detention" means a building or a police station
19 that is a place of operation for a municipal police department
20 or county sheriff department or other law enforcement agency
21 at which persons are or may be held in detention in connection
22 with criminal charges against those persons or allegations
23 that those persons are delinquent minors.

1 (b) An oral, written, or sign language confession of a
2 minor, who at the time of the commission of the offense was
3 under 18 years of age, made as a result of a custodial
4 interrogation conducted at a police station or other place of
5 detention on or after the effective date of this amendatory
6 Act of the 102nd General Assembly shall be presumed to be
7 inadmissible as evidence against the minor making the
8 confession in a criminal proceeding or a juvenile court
9 proceeding for an act that if committed by an adult would be a
10 misdemeanor offense under Article 11 of the Criminal Code of
11 2012 or a felony offense under the Criminal Code of 2012 if,
12 during the custodial interrogation, a law enforcement officer
13 or juvenile officer knowingly engages in deception.

14 (c) The presumption of inadmissibility of a confession of
15 a minor, who at the time of the commission of the offense was
16 under 18 years of age, at a custodial interrogation at a police
17 station or other place of detention, when such confession is
18 procured through the knowing use of deception, may be overcome
19 by a preponderance of the evidence that the confession was
20 voluntarily given, based on the totality of the circumstances.

21 (d) The burden of going forward with the evidence and the
22 burden of proving that a confession was voluntary shall be on
23 the State. Objection to the failure of the State to call all
24 material witnesses on the issue of whether the confession was
25 voluntary must be made in the trial court.

1 Section 10. The Code of Criminal Procedure of 1963 is
2 amended by adding Section 103-2.2 as follows:

3 (725 ILCS 5/103-2.2 new)

4 Sec. 103-2.2. Prohibition of deceptive tactics.

5 (a) In this Section:

6 "Custodial interrogation" means any interrogation during
7 which (i) a reasonable person in the subject's position would
8 consider himself or herself to be in custody and (ii) during
9 which a question is asked that is reasonably likely to elicit
10 an incriminating response.

11 "Deception" means the knowing communication of false facts
12 about evidence or unauthorized statements regarding leniency
13 by a law enforcement officer or juvenile officer to a subject
14 of custodial interrogation.

15 "Place of detention" means a building or a police station
16 that is a place of operation for a municipal police department
17 or county sheriff department or other law enforcement agency,
18 not a courthouse, that is owned or operated by a law
19 enforcement agency at which persons are or may be held in
20 detention in connection with criminal charges against those
21 persons.

22 (b) An oral, written, or sign language confession of a
23 minor, who at the time of the commission of the offense was
24 under 18 years of age, made as a result of a custodial
25 interrogation conducted at a police station or other place of

1 detention on or after the effective date of this amendatory
2 Act of the 102nd General Assembly shall be presumed to be
3 inadmissible as evidence against the minor making the
4 confession in a criminal proceeding or a juvenile court
5 proceeding for an act that if committed by an adult would be a
6 misdemeanor offense under Article 11 of the Criminal Code of
7 2012 or a felony offense under the Criminal Code of 2012 if,
8 during the custodial interrogation, a law enforcement officer
9 or juvenile officer knowingly engages in deception.

10 (c) The presumption of inadmissibility of a confession of
11 a minor, who at the time of the commission of the offense was
12 under 18 years of age, at a custodial interrogation at a police
13 station or other place of detention, when such confession is
14 procured through the knowing use of deception, may be overcome
15 by a preponderance of the evidence that the confession was
16 voluntarily given, based on the totality of the circumstances.

17 (d) The burden of going forward with the evidence and the
18 burden of proving that a confession was voluntary shall be on
19 the State. Objection to the failure of the State to call all
20 material witnesses on the issue of whether the confession was
21 voluntary must be made in the trial court.