



General Assembly

Substitute Bill No. 306

February Session, 2022



AN ACT CONCERNING DECEPTIVE INTERROGATION TACTICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

2 (1) "Deception or coercive tactics" means the use of conduct or
3 written, oral, electronic, nonverbal or any other form of communication
4 that includes, but is not limited to, that which:

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

8 (B) Communicates false facts about evidence that were known or
9 should have been known to be false;

10 (C) Provides holdback facts pertaining to a crime or crimes that were
11 not previously articulated by the person being interrogated inducing the
12 person to adopt these facts;

13 (D) Communicates false or misleading promises of leniency or other
14 false promises;

15 (E) Communicates false statements or misrepresentations of the law;

16 (F) Uses or threatens the use of physical force upon the person being
17 interrogated or another person;

18 (G) Uses means or undue pressure to impair the physical or mental
19 condition of the person being interrogated to the extent of undermining
20 the person's ability to make an informed choice whether to make a
21 statement;

22 (H) Uses or threatens the unwarranted criminalization of another
23 person;

24 (I) Uses or threatens the unwarranted use of enhanced penalties,
25 upon the person being interrogated or another person; or

26 (J) Violates the constitutional rights of the person being interrogated.

27 (2) "Holdback facts" means key incriminating facts about evidence
28 presumed only to be known to law enforcement and the perpetrator or
29 perpetrators of the crime, the knowledge of which are presumed to
30 demonstrate guilt.

31 (b) Any admission, confession or statement, whether written or oral,
32 made by any person, including a child under eighteen years of age,
33 during a custodial interrogation by a law enforcement agency official or
34 their agent, shall be presumed to be involuntary and inadmissible in any
35 proceeding if the law enforcement agency official or their agent engaged
36 in deception or coercive tactics during such interrogation.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section

JUD *Joint Favorable Subst.*