
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1669 Session of
2021

INTRODUCED BY A. BROWN, KRAJEWSKI, N. NELSON, SCHLOSSBERG,
PARKER, SANCHEZ, LEE AND HOWARD, JUNE 21, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 providing for prohibition of deceptive juvenile
4 interrogations.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Amending Title 42 (Judiciary and Judicial
8 Procedure) of the Pennsylvania Consolidated Statutes, is amended
9 by adding a section to read:

10 § 6343. Prohibition of deceptive juvenile interrogations.

11 (a) General rule.--A law enforcement officer may not use
12 deception during a custodial investigation of a minor.

13 (b) Confession of minor inadmissible.--An oral, written or
14 sign language confession of a minor, who at the time of the
15 commission of the offense was under 16 years of age, made as the
16 result of a custodial interrogation conducted at a police
17 station or other place of detention on or after the effective
18 date of this section, shall be presumed to be inadmissible as
19 evidence against the minor making the confession in a criminal

1 proceeding or a juvenile court proceeding for an act that, if
2 committed by an adult, would be a misdemeanor offense or felony
3 offense under Title 18 (crimes and offenses) if, during the
4 interrogation, a law enforcement officer knowingly engages in
5 deception. The following shall apply:

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

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

19 (c) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Custodial interrogation." Any interrogation during which a
23 reasonable person in the subject's position would consider
24 themselves to be in custody and during which a question is asked
25 that is reasonably likely to elicit an incriminating response.

26 "Deception." The knowing communication of false facts about
27 evidence or unauthorized statements regarding leniency by a law
28 enforcement officer to a subject of custodial interrogation.

29 "Law enforcement officer." As defined in section 5950(d)
30 (relating to definitions).

1 "Minor." Any individual under 16 years of age.

2 "Place of detention." A building or a police station that is
3 a place of operation for State or municipal police departments
4 or county sheriff departments or any other law enforcement
5 agency at which individuals are or may be held in detention in
6 connection with criminal charges or allegations that those
7 individuals are delinquent minors.

8 Section 2. This act shall take effect in 60 days.