

---

---

## **OLR Bill Analysis**

### **sSB 306**

#### ***AN ACT CONCERNING DECEPTIVE INTERROGATION TACTICS.***

#### **SUMMARY**

This bill creates a rebuttable presumption that a written or oral admission, confession, or statement is involuntary and inadmissible in any proceeding if it is made by anyone during a custodial interrogation by a law enforcement agency official or the official's agent who used deceptive or coercive tactics.

Under the bill, the presumption may be overcome if the state proves by clear and convincing evidence that the (1) admission, confession, or statement was voluntary and not induced by deception or coercive tactics and (2) alleged use of deception or coercive tactics did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate himself or herself.

EFFECTIVE DATE: October 1, 2022

#### **DECEPTION OR COERCIVE TACTICS**

Under the bill, "deception or coercive tactics" means the use of conduct or written, oral, electronic, nonverbal, or any other form of communication that includes the following:

1. depriving the person being interrogated of physical or mental health needs, including food, sleep, use of the restroom, or prescribed medications;
2. communicating false facts about evidence that were known or should have been known to be false;
3. providing holdback facts about evidence relating to a crime or crimes that were not previously articulated by the person being

interrogated, inducing the person to adopt these facts (“holdback facts” are key incriminating facts about evidence presumed only to be known to law enforcement and the perpetrator of the crime, the knowledge of which is presumed to demonstrate guilt);

4. communicating false promises, including false or misleading promises of leniency;
5. communicating false statements or misrepresentations of the law;
6. using or threatening to use physical force on the person being interrogated or another person;
7. using means or undue pressure to impair the physical or mental condition of the person being interrogated to the extent of undermining the person’s ability to make an informed choice about whether to make a statement;
8. using or threatening the unwarranted (a) criminalization of another person or (b) use of enhanced penalties upon the person being interrogated or another person; or
9. violating the constitutional rights of the person being interrogated.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 18 (03/31/2022)