
OLR Bill Analysis

sSB 306 (File 518, as amended by Senate “A” and “B”)*

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 was made during a custodial interrogation by a law enforcement agency official or the official’s agent using deceptive or coercive tactics. It further limits certain interrogation practices by considering them deceptive or coercive if they occur during interrogation of a minor (i.e., under age 18).

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.

*Senate Amendment “A” limits certain inadmissible interrogation methods in the underlying bill only to minors (e.g., communicating certain false information or promises or holdback facts).

*Senate Amendment “B” eliminates the use of holdback facts as an inadmissible interrogation method for minors in the bill as amended by Senate “A”.

EFFECTIVE DATE: October 1, 2022

DECEPTION OR COERCIVE TACTICS

Under the bill, “deception or coercive tactics” includes the following tactics:

1. depriving the person being interrogated of physical or mental health needs, including food, sleep, restroom use, or prescribed medications;
2. using or threatening to use physical force on the person being interrogated or another person;
3. 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;
4. 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
5. violating the constitutional rights of the person being interrogated.

If the person being interrogated is under age 18, "deception or coercive tactics" also includes tactics that communicate:

1. false facts about evidence that were known or should have been known to be false;
2. false statements or misrepresentations of the law; or
3. false or misleading promises of leniency or some other benefit or reward.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 18 (03/31/2022)