



# Senate

General Assembly

**File No. 518**

February Session, 2022

Substitute Senate Bill No. 306

*Senate, April 19, 2022*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***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	October 1, 2022	New section

**JUD**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill modifies criminal procedure relating to written or oral admissions and does not result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**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)