



General Assembly

February Session, 2022

Raised Bill No. 306

LCO No. 2165



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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*) As used in this section:
- 2 (1) "Deception or coercive tactics" means the use of written, oral,
3 electronic, nonverbal or any other form of communication that includes,
4 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) Represents false facts about evidence;
- 9 (C) Provides facts pertaining to a crime or crimes that were not
10 previously articulated by the person being interrogated;
- 11 (D) Uses false or misleading promises of leniency or other false
12 promises;
- 13 (E) Uses false statements or misrepresentations of the law;

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

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

20 (H) Uses or threatens the criminalization of another person;

21 (I) Uses or threatens the use of enhanced penalties, upon the person
22 being interrogated or another person; or

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

24 (2) "Law enforcement agency" means the Division of State Police
25 within the Department of Emergency Services and Public Protection or
26 any municipal police department.

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

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

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

To make inadmissible statements or admissions obtained through the use of deceptive interrogation tactics.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]