



Senate

General Assembly

File No. 511

January Session, 2023

Substitute Senate Bill No. 1071

Senate, April 12, 2023

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 OR COERCIVE INTERROGATION TACTICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section,
2 "deception or coercive tactics" includes, but is not limited to, any tactic
3 that:

4 (1) Unreasonably deprives the person being interrogated of physical
5 or mental health needs that were known, or should have been known to
6 exist, including, but not limited to, food, sleep, use of the restroom or
7 prescribed medications;

8 (2) Uses or threatens the use of physical force upon the person being
9 interrogated or another person for purposes of compelling an
10 admission, confession or statement;

11 (3) Uses or threatens the unlawful arrest of another person;

12 (4) Uses or threatens the imposition of unlawful penalties upon the

13 person being interrogated or another person; or

14 (5) Uses or threatens the imposition of unlawful administrative or
15 immigration sanctions upon the person being interrogated or another
16 person.

17 (b) If the person being interrogated is under eighteen years of age,
18 "deception or coercive tactics" further includes any tactic that:

19 (1) Communicates false facts about evidence that were known to the
20 law enforcement agency official or their agent or should have been
21 known to the law enforcement agency official or their agent to be false;

22 (2) Communicates false statements or misrepresentations of the law
23 that were known or should have been known to be false statements or
24 misrepresentations; or

25 (3) Communicates false or misleading promises of leniency or some
26 other benefit or reward that were known or should have been known to
27 be false or misleading.

28 (c) Except as provided in subsection (d) of this section, any admission,
29 confession or statement, whether written or oral, made by any person
30 during a custodial interrogation by a law enforcement agency official or
31 such official's agent, shall be presumed to be involuntary and
32 inadmissible in any proceeding if the law enforcement agency official or
33 such official's agent engaged in deception or coercive tactics during such
34 interrogation.

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

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2023</i>	New section
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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.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill creates a rebuttable presumption regarding the admissibility of statements made during an interrogation in which deceptive or coercive tactics are used, resulting in no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1071****AN ACT CONCERNING DECEPTIVE OR COERCIVE 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 by someone during a custodial interrogation in which a law enforcement agency official or the official's agent used deception or coercive tactics.

This 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.

Under the bill, "deception or coercive tactics" includes unreasonably depriving the person being interrogated of physical or mental health needs that are known or should be known to exist, including food, sleep, restroom use, or prescribed medications. It also includes using or threatening:

1. to use physical force on the person being interrogated or another person to compel an admission, confession, or statement;
2. the unlawful arrest of another person; or
3. to impose unlawful penalties or unlawful administrative or immigration sanctions on the person being interrogated or on another person.

If the person being interrogated is under age 18, “deception or coercive tactics” also includes tactics that communicate the following, which law enforcement officials and their agents know or should know to be false, misrepresentative, or misleading:

1. false facts about evidence;
2. false statements or misrepresentations of the law; or
3. false or misleading promises of leniency or some other benefit or reward.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 13 (03/27/2023)