



Substitute Senate Bill No. 1071

Public Act No. 23-27

AN ACT CONCERNING DECEPTIVE OR COERCIVE INTERROGATION TACTICS.

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

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

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

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

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

(4) Uses or threatens the imposition of unlawful penalties upon the person being interrogated or another person; or

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

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person.

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

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

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

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

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

(d) The presumption that any such admission, confession or statement is involuntary and inadmissible may be overcome if the state proves by clear and convincing evidence that (1) the admission, confession or statement was voluntary and not induced by the use of deception or coercive tactics, and (2) any 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 such person's self.

Approved June 12, 2023