

A-Engrossed Senate Bill 418

Ordered by the Senate April 23
Including Senate Amendments dated April 23

Sponsored by Senator GORSEK; Senator DEMBROW, Representative REARDON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Prohibits peace officer from using deceit, trickery or artifice during interview of youth concerning act that, if committed by adult, would constitute crime.]

Creates rebuttable presumption that statement made by person under 18 years of age, during custodial interview in connection with investigation into certain acts, is involuntary if peace officer intentionally used false information to elicit statement.

A BILL FOR AN ACT

Relating to law enforcement interviews of persons under 18 years of age.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A statement made by a person during a custodial interview conducted by a peace officer is presumed to be involuntary if the person is under 18 years of age and the statement is made in connection with an investigation into a misdemeanor or a felony, or an allegation that the person being interviewed committed an act that, if committed by an adult would constitute a misdemeanor or a felony, and the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement. This presumption may be overcome if the state proves by clear and convincing evidence that the statement was voluntary and not made in response to the false information used by the peace officer to elicit the statement.

(2) As used in this section:

(a) "Custodial interview" has the meaning given that term in ORS 133.402.

(b) "Peace officer" has the meaning given that term in ORS 133.005.

SECTION 2. Section 1 of this 2021 Act applies to custodial interviews conducted on or after the effective date of this 2021 Act.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.