



SPONSOR: Rep. Minor-Brown

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 419

1 AMEND House Bill No. 419 by deleting lines 40 and 41 in their entirety and inserting in lieu thereof the
2 following:

3 “(2) “Deceptive tactics” means stating evidence presently exists, knowing that it does not, or communicating
4 promises of leniency in sentencing, charging, or pretrial release in order to induce a confession or other incriminating
5 evidence.”.

6 FURTHER AMEND House Bill No. 419 by deleting lines 45 through 47 and inserting in lieu thereof the
7 following:

8 “(b)(1) Except as provided in paragraphs (b)(2) and (3) of this section, a statement of a person, who at the time of
9 the interrogation was under 18 years of age, is inadmissible in any criminal or delinquency court proceeding if it was made
10 during a custodial interrogation in which deceptive tactics were used. An inadmissible statement under this subsection shall
11 have no effect on the admissibility of evidence obtained as a result of the statement if the evidence would have been
12 discovered through independent lawful means or if knowledge of the evidence was acquired through an independent source.

13 (2) A statement that is otherwise inadmissible under paragraph (b)(1) of this section may be admitted if the
14 State proves by a preponderance of the evidence that the statement is reliable and was not induced by the use of
15 deceptive tactics.

16 (3) A statement that is otherwise inadmissible under this section may be admitted to impeach the defendant, if
17 the State proves by a preponderance of the evidence that the statement is reliable and not induced by the use of
18 deceptive tactics.”.

SYNOPSIS

This Amendment clarifies the definition of deception. This Amendment further clarifies that a statement obtained using deceptive tactics during a custodial interrogation of a minor is inadmissible in any criminal or delinquency court proceeding, unless the state can prove by a preponderance of evidence that the statement is reliable and was not induced using deceptive tactics. An inadmissible statement may also be used to impeach the defendant if the state can prove by a preponderance of evidence that the statement is reliable and was not induced using deceptive tactics. Any evidence obtained because of the inadmissible statement remains admissible if it would have been discovered through lawful means or acquired through an independent source.