

1 AN ACT relating to interrogation of children.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Deception" includes but is not limited to the knowing communication of*  
7 *false statements about evidence, the misrepresentation of the accuracy of*  
8 *the facts, or the making of false statements regarding leniency; and*

9 *(b) "Psychologically manipulative interrogation tactics" include but are not*  
10 *limited to:*

11 *1. Practices that rely on deceit or a presumption of guilt;*

12 *2. Techniques to scare or intimidate the child by repetitively asserting the*  
13 *child is guilty despite his or her denials, or exaggerating the*  
14 *magnitude of the charges or the strength of the evidence, including*  
15 *suggesting the existence of evidence that does not exist;*

16 *3. Practices that minimize the moral seriousness of the offense, by falsely*  
17 *communicating that the conduct is justified, excusable, or accidental;*

18 *4. Direct or indirect promises of leniency; and*

19 *5. Employment of the false or forced choice strategy, where the child is*  
20 *encouraged to select one (1) of two (2) options, both incriminatory, but*  
21 *one is characterized as morally or legally justified or excusable.*

22 *(2) During a custodial interrogation of a child relating to the commission of a public*  
23 *offense, a law enforcement officer shall not employ threats, physical harm,*  
24 *deception, or psychologically manipulative interrogation tactics.*

25 *(3) Subsection (2) of this section does not apply to interrogations of a child if:*

26 *(a) The law enforcement officer who questioned the child reasonably believed*  
27 *the information the officer sought was necessary to protect life or property*

1                   from an imminent threat; and  
2                   (b) The questions by law enforcement officers were limited to those questions  
3                   that were reasonably necessary to obtain information related to the  
4                   imminent threat.

5                   ➔SECTION 2.     A NEW SECTION OF THE KENTUCKY RULES OF  
6 EVIDENCE IS CREATED TO READ AS FOLLOWS:

7                   (a)     Except as provided in subdivision (b) of this rule, a statement made by a child in the  
8 course of a custodial interrogation that did not comply with applicable statutes is not admissible  
9 against the child in any civil, criminal, or juvenile proceeding.

10                  (b)     Evidence excluded in subdivision (a) of this rule is admissible if otherwise  
11 admissible under these rules, and offered by the plaintiff in an action for damages arising from  
12 the interrogation.