

HOUSE No. 1756

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring integrity in juvenile interrogations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/27/2023</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/6/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/22/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/8/2023</i>

HOUSE No. 1756

By Representative Sabadosa of Northampton, a petition (accompanied by bill, House, No. 1756) of Lindsay N. Sabadosa and others for legislation to prohibit the use of deception during juvenile custodial interrogations. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act ensuring integrity in juvenile interrogations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 119 of the General Laws is hereby amended by inserting after section 89 the
2 following section: Section 90. Prohibition on use of deception during juvenile custodial
3 interrogations

4 Section 90.(a) As used in this section, the following words shall have the following
5 meanings:

6 i. "Statement" means a juvenile's oral assertion, written assertion, or nonverbal conduct if
7 intended as an assertion.

8 ii. "Juvenile" shall have the same meaning as set forth in G.L. ch. 119, section 89.

9 iii. "Deception" means communicating, or relaying in any way, false or misleading facts,
10 false or misleading information, false or misleading evidence, or unauthorized implicit or explicit
11 offers of leniency.

12 iv. “Custodial Interrogation” means any questioning by law enforcement officers, or
13 persons acting on behalf of a law enforcement officers, in relation to an investigation, under
14 circumstances where a reasonable juvenile would consider themselves to be in custody, and that
15 questioning is likely to elicit an incriminating response.

16 (b) A statement made by a juvenile during a custodial interrogation shall be presumed to
17 be involuntary, and therefore inadmissible in any court where such statement is offered as
18 evidence, if during the custodial interrogation a law enforcement officer, or person acting on
19 behalf of a law enforcement officer, knowingly engages in deception.

20 A statement that is involuntary, as described in the above paragraph, shall not form the
21 basis of any further investigative activities; any evidence that flows from that statement shall be
22 considered tainted by such deception, and shall be inadmissible as such.

23 (c) The presumption that such statement, as described in subsection (b), is inadmissible,
24 may be overcome if the Commonwealth proves, beyond a reasonable doubt, that the statement
25 was voluntary and not made due to any deception.

26 (d) Nothing in this section shall abrogate the Commonwealth’s burden to prove a
27 statement is voluntary prior to introducing that statement into evidence.

28 (e) Subsection (b) shall apply to all statements, as described in subsection (b), made on or
29 after the effective date of this statute.