
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1860 Session of
2021

INTRODUCED BY CRUZ, HANBIDGE, KINSEY, MADDEN AND BROOKS,
SEPTEMBER 14, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in rules of evidence,
3 providing for deceptive interrogation practices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6113. Deceptive interrogation practices.

9 (a) Inadmissibility of evidence.--Any oral, written or sign
10 language confession or statement which is made as a result of a
11 custodial interrogation conducted by a law enforcement officer
12 at a place of detention shall be presumed inadmissible as
13 evidence in a criminal proceeding against a defendant who made
14 the confession or statement if, during the custodial
15 interrogation, the law enforcement officer knowingly engaged in
16 deception in obtaining the confession or statement.

17 (b) Rebutting inadmissibility.--

18 (1) The presumption of inadmissibility of a confession

1 or statement under subsection (a) may be rebutted by a
2 preponderance of the evidence if, based on the totality of
3 the circumstances, all of the following apply:

4 (i) The confession or statement was voluntarily
5 given by the defendant.

6 (ii) The confession or statement would have
7 otherwise been provided to the law enforcement officer if
8 the confession or statement had not been obtained through
9 deceptive practices.

10 (2) The burden of rebutting the presumption of
11 inadmissibility of a confession or statement under subsection
12 (a) shall be on the Commonwealth.

13 (c) Appeals.--The Commonwealth must rebut the presumption of
14 inadmissibility of a confession or statement under subsection
15 (a) during a preliminary hearing and before trial. Failure to
16 seek a rebuttal under this subsection shall bar the issue from
17 being raised on appeal.

18 (d) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Custodial interrogation." An interrogation during which:

22 (1) a reasonable person would believe to be in custody;
23 and

24 (2) a question is asked that is reasonably likely to
25 elicit an incriminating response.

26 "Deception." The knowing communication of a false fact about
27 evidence or an unauthorized statement regarding leniency made to
28 a respondent by a law enforcement officer for the purpose of
29 eliciting an incriminating response from the respondent.

30 "Law enforcement officer." As defined in section 5950(d)

1 (relating to confidential communications involving law
2 enforcement officers).

3 "Place of detention." A building or police station that is a
4 place of operation for a law enforcement officer where a person
5 may be held in detention in connection with a criminal charge or
6 an allegation that the person is a delinquent child as defined
7 in section 6302 (relating to definitions).

8 Section 2. This act shall take effect in 60 days.