

2024 -- S 2435

=====
LC004807
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

—————
A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Senators Bissaillon, F. Lombardi, and Euer

Date Introduced: February 12, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is
2 hereby amended by adding thereto the following section:

3 **14-1-30.3. Use of statements made in custodial interrogation.**

4 (a) A peace officer, as defined in § 12-7-21, shall not employ threats, physical harm,
5 deprivation, deception, coercion, or psychologically manipulative interrogation tactics during the
6 custodial interrogation of a juvenile.

7 (b) As used in this section, the following terms shall have the following meanings:

8 (1) "Coercion" means, but is not limited to, the disclosure of facts pertaining to a crime or
9 crimes that were not previously articulated by the person interrogated.

10 (2) "Deception" means, but is not limited to, the knowing communication of false facts
11 about evidence, misrepresenting the accuracy of the facts or false statements regarding leniency.

12 (3) "Deprivation" means the withholding of physical or mental needs, including, but not
13 limited to, food, drink, sleep, use of the restroom, or prescribed medications from the person being
14 interrogated.

15 (4) "Psychologically manipulative interrogation tactics" means, but is not limited, to the
16 following:

17 (i) Maximization and minimization and other interrogation techniques that rely on a
18 presumption of guilt or deceit;

1 (A) Maximization includes techniques to scare or intimidate the person by repetitively
2 asserting the person is guilty despite their denials, or exaggerating the magnitude of the charges or
3 the strength of the evidence, including suggesting the existence of evidence that does not exist;

4 (B) Minimization involves minimizing the moral seriousness of the offense, a technique
5 that falsely communicates that the conduct is justified, excusable, or accidental:

6 (i) Making direct or indirect promises of leniency, such as indicating the person will be
7 released from custody if the person cooperates;

8 (iii) Employing the "false" or "forced" choice strategy, where the person is encouraged to
9 select one of two (2) options, both incriminatory, but one is characterized as morally or legally
10 justified or excusable; and

11 (iv) Employing undue pressure that impairs the person's physical or mental condition to
12 the extent of undermining the ability to decide whether or not to make a statement;

13 (5) "Threats" means, but is not limited to, using or threatening the arrest or incrimination
14 of another person, or using or threatening the use of enhanced penalties against the person being
15 interrogated or against another person.

16 (c) A statement obtained through or utilizing any of the tactics referenced in subsections
17 (a) and (b) of this section shall not form the basis of any further investigative activities. Any
18 evidence that is obtained by or flows from the statements of the juvenile shall be considered tainted
19 and shall be presumed inadmissible as evidence against the juvenile making the statement in any
20 criminal proceeding or a juvenile court proceeding for an act that if committed by an adult would
21 be a misdemeanor or a felony offense as those terms are defined in § 11-1-2.

22 (d) The presumption of inadmissibility of a statement of a juvenile as outlined in subsection
23 (c) of this section, may be overcome if proven beyond a reasonable doubt that the confession or
24 incriminating statements were given free from any of the tactics described in subsections (a) and
25 (b) of this section, based on the totality of the circumstances. The burden of going forward with the
26 evidence and the burden of proving that a statement was given voluntarily and free from any of the
27 tactics prohibited by this section shall be on the state. Objection to the failure of the state to call
28 all or any material witnesses on the issue of whether the confession or statements were voluntary
29 must be made in the trial court.

30 (e) Nothing in this section shall abrogate the state's burden to prove a statement of a
31 juvenile was given voluntarily and free from any of the tactics referenced in subsections (a) and (b)
32 of this section, prior to introducing those statements or confession into evidence.

1 SECTION 2. This act shall take effect upon passage.

=====
LC004807
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

1 This act would prohibit a peace officer, as defined in § 12-7-21, from employing threats,
2 physical harm, deprivation, deception, coercion, or psychologically manipulative interrogation
3 tactics during the custodial interrogation of a juvenile.

4 This act would take effect upon passage.

=====
LC004807
=====