

SB 418 A STAFF MEASURE SUMMARY

Carrier: Rep. Salinas

House Committee On Rules

Action Date: 06/09/21

Action: Do Pass.

Vote: 7-0-0-0

Yeas: 7 - Bonham, Drazan, Fahey, Holvey, Salinas, Smith Warner, Zika

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer

Meeting Dates: 6/7, 6/9

WHAT THE MEASURE DOES:

Establishes that a statement made by a person during a custodial interview conducted by a peace officer, related to a misdemeanor or felony crime, is presumed to be involuntary if the person is under 18 years of age and the peace officer intentionally used information known by the officer to be false to elicit the statement. Requires a district attorney to prove by clear and convincing evidence that a statement was voluntary to overcome presumption. Applies to custodial interviews conducted on or after the effective date of this 2021 Act.

ISSUES DISCUSSED:

- Policing best practices
- Minors particularly vulnerable to being influenced by tactics involving deceit
- Prevents tactics more likely to elicit false confessions

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 133.402 requires law enforcement to record interviews of youths suspected of engaging in criminal acts when the interview takes place inside a law enforcement facility. Nothing in statute prohibits a law enforcement officer from using deceit or making false statements during interviews of a minor.

Senate Bill 418 A provides that a statement, if made during a custodial interview, is presumed to be involuntary if the person is under 18 years of age and the peace officer intentionally used information known by the officer to be false to elicit the statement.