

## **SB 418 -1, -2 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary and Ballot Measure 110 Implementation**

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**Prepared By:** Leslie Wu, Counsel

**Meeting Dates:** 3/4, 4/13

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#### **WHAT THE MEASURE DOES:**

Prohibits a peace officer from using deceit, trickery or artifice while conducting an interview of a youth concerning an act that, if committed by an adult, would constitute a crime.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Replaces the measure. 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.

-2 Replaces the measure. 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.

##### **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.

SB 418 creates additional restrictions on law enforcement interviews of youth suspected of committing acts that, if committed by an adult, would constitute a crime.