

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0408.01 Jane Ritter x4342

SENATE BILL 22-023

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SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Bacon and Gonzales-Gutierrez,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING PROHIBITING DECEPTIVE TACTICS DURING  
102 INTERROGATION OF A JUVENILE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits a law enforcement officer or an agent who assists, cooperates with, or otherwise facilitates a custodial interrogation with a juvenile (law enforcement official) from using deception and false facts or beliefs (deception) to obtain a statement or admission from the juvenile. Any statement or admission obtained during the course of a juvenile custodial interrogation in which a law enforcement official

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

knowingly uses deception is presumptively inadmissible against the juvenile in an evidentiary hearing unless the prosecution proves by clear and convincing evidence that the statement or admission was made voluntarily.

The bill requires law enforcement officials to electronically record all juvenile custodial interrogations.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-2.5-203.1 as  
3 follows:

4 **19-2.5-203.1. Interrogation of juveniles - prohibited tactics -**  
5 **definitions.** (1) A STATEMENT OR ADMISSION OF A JUVENILE AND ANY  
6 FRUITS MADE AS A RESULT OF THE JUVENILE'S CUSTODIAL INTERROGATION  
7 BY A LAW ENFORCEMENT OFFICIAL OR AGENT ARE PRESUMPTIVELY  
8 INADMISSIBLE AGAINST THE JUVENILE AT ANY SUBSEQUENT JUDICIAL  
9 PROCEEDING IF THE LAW ENFORCEMENT OFFICIAL OR AGENT KNOWINGLY  
10 USES DECEPTION PRIOR TO OR DURING THE INTERROGATION, UNLESS THE  
11 PROSECUTION ESTABLISHES AT AN EVIDENTIARY HEARING PRIOR TO TRIAL,  
12 BY CLEAR AND CONVINCING EVIDENCE AND BASED ON THE TOTALITY OF  
13 THE CIRCUMSTANCES, THAT THE STATEMENT OR ADMISSION WAS MADE  
14 VOLUNTARILY DESPITE THE DECEPTION. IN ASSESSING THE TOTALITY OF  
15 THE CIRCUMSTANCES, THE COURT SHALL CONSIDER ALL EVIDENCE  
16 PRESENTED CONCERNING THE VULNERABILITY OF THE JUVENILE TO ANY  
17 DECEPTION USED DURING THE INTERROGATION.

18 (2) A LAW ENFORCEMENT OFFICIAL OR AGENT SHALL  
19 ELECTRONICALLY RECORD ALL JUVENILE INTERROGATIONS PURSUANT TO  
20 SECTION 16-3-601 WITHOUT REGARD TO THE NATURE OF THE OFFENSE  
21 THAT THE LAW ENFORCEMENT OFFICIAL OR AGENT REASONABLY BELIEVES  
22 IS BEING INVESTIGATED.

1           (3) AS USED IN THIS SECTION:

2           (a) "AGENT" MEANS AN ADULT WHO ASSISTS, COOPERATES WITH,  
3 OR OTHERWISE FACILITATES THE CUSTODIAL INTERROGATION OF A  
4 JUVENILE, INCLUDING AN ADULT WHO HOLDS A JUVENILE AT A SCHOOL OR  
5 AT A SCHOOL-RELATED ACTIVITY FOR PURPOSES OF LAW ENFORCEMENT  
6 APPREHENSION.

7           (b) "DECEPTION" MEANS TO KNOWINGLY COMMUNICATE ONE OR  
8 MORE FALSE FACTS OR BELIEFS TO A JUVENILE WHO IS THE SUBJECT OF A  
9 CUSTODIAL INTERROGATION. A FALSE FACT OR BELIEF MAY INCLUDE BUT  
10 IS NOT LIMITED TO STATEMENTS REGARDING EVIDENCE OR UNAUTHORIZED  
11 STATEMENTS REGARDING POTENTIAL LENIENCY BY A LAW ENFORCEMENT  
12 OFFICIAL, PROSECUTOR, JUDGE, JUROR, OR ANY OTHER JUVENILE OFFICER.

13           **SECTION 2. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.