

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0408.01 Jane Ritter x4342

SENATE BILL 22-023

SENATE SPONSORSHIP

Gonzales, Buckner, Coleman, Lee, Moreno, Rodriguez, Story

HOUSE SPONSORSHIP

Bacon and Gonzales-Gutierrez,

Senate Committees

Judiciary

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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.

HOUSE
Amended 2nd Reading
May 10, 2022

SENATE
3rd Reading Unamended
February 17, 2022

SENATE
Amended 2nd Reading
February 15, 2022

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2.5-203, **add** (8)
3 as follows:

4 **19-2.5-203. Statements - definitions.** (8) ON OR BEFORE
5 FEBRUARY 28, 2023, ANY COLORADO LAW ENFORCEMENT AGENCY THAT
6 EMPLOYS A PEACE OFFICER REQUIRED TO BE P.O.S.T.-CERTIFIED
7 PURSUANT TO SECTION 16-2.5-102 THAT IS CHARGED WITH ENFORCING THE
8 CRIMINAL LAWS OF COLORADO, AND THAT, AS PART OF ANY CRIMINAL
9 INVESTIGATION, USES OR MIGHT USE ANY JUVENILE CUSTODIAL
10 INTERROGATION PROCEDURE, SHALL ADOPT WRITTEN POLICIES AND
11 PROCEDURES CONCERNING THE CUSTODIAL INTERROGATION OF A JUVENILE
12 CONDUCTED BY THAT LAW ENFORCEMENT AGENCY. THE POLICIES AND
13 PROCEDURES ADOPTED AND IMPLEMENTED BY A LAW ENFORCEMENT
14 AGENCY MUST BE CONSISTENT WITH JUVENILE CUSTODIAL INTERROGATION
15 PROCEDURES OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
16 OR OTHER NATIONALLY RECOGNIZED PEER-REVIEWED RESEARCH. THE
17 POLICIES AND PROCEDURES MUST INCLUDE REQUIREMENTS FOR:

18 (a) AGE-APPROPRIATE MIRANDA WARNINGS THAT SHALL BE
19 ADMINISTERED PRIOR TO A CUSTODIAL INTERROGATION OF A JUVENILE;

20 (b) ELECTRONIC RECORDING BY LAW ENFORCEMENT OF ALL
21 JUVENILE CUSTODIAL INTERROGATIONS PURSUANT TO SECTION 16-3-601
22 WITHOUT REGARD TO THE NATURE OF THE OFFENSE; AND

1 (c) LAW ENFORCEMENT OFFICIALS TO TAILOR THE QUESTIONS FOR
2 A CUSTODIAL INTERROGATION OF A JUVENILE TO THE JUVENILE'S AGE,
3 SOPHISTICATION, MATURITY, LEVEL OF EDUCATION, MENTAL ABILITY, AND
4 OTHER PERTINENT INFORMATION.

5 [REDACTED]

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect February 28, 2023; except that, if a referendum petition is
8 filed pursuant to section 1 (3) of article V of the state constitution against
9 this act or an item, section, or part of this act within the ninety-day period
10 after final adjournment of the general assembly, then the act, item,
11 section, or part will not take effect unless approved by the people at the
12 general election to be held in November 2022 and, in such case, will take
13 effect February 28, 2023.