

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting deception in juvenile interrogations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act prohibiting deception in juvenile interrogations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 119 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by inserting after section 89 the following sections:

3 Section 90. Prohibiting the use of deception during juvenile custodial interrogations

4 (a) As used in this section, the following words shall have the following meanings:

5 i. “Statement” means a juvenile’s oral assertion, written assertion, or nonverbal conduct if
6 intended as an assertion.

7 ii. “Juvenile” shall have the same meaning as set forth in G.L. ch. 119, section 89.

8 iii. “Deception” means communicating, or relaying in any way, false or misleading facts,
9 false or misleading information, false or misleading evidence, or unauthorized implicit or explicit
10 offers of leniency.

11 iv. “Custodial Interrogation” means any questioning by law enforcement officers, or
12 persons acting on behalf of a law enforcement officers, in relation to an investigation, under

13 circumstances where a reasonable juvenile would consider themselves to be in custody, and that
14 questioning is likely to elicit an incriminating response.

15 (b) A statement made by a juvenile during a custodial interrogation shall be presumed to
16 be involuntary, and therefore inadmissible in any court where such statement is offered as
17 evidence, if during the custodial interrogation a law enforcement officer, or person acting on
18 behalf of a law enforcement officer, knowingly engages in deception.

19 A statement that is involuntary, as described in the above paragraph, shall not form the
20 basis of any further investigative activities; any evidence that flows from that statement shall be
21 considered tainted by such deception, and shall be inadmissible as such.

22 (c) The presumption that such statement, as described in subsection (b), is inadmissible,
23 may be overcome if the Commonwealth proves, beyond a reasonable doubt, that the statement
24 was voluntary and not made due to any deception. A failure to create and save an audiovisual
25 recording of such a statement shall be a factor for the court to consider in determining whether
26 the Commonwealth can meet its burden.

27 (d) Nothing in this section shall abrogate the Commonwealth's burden to prove a
28 statement is voluntary prior to introducing that statement into evidence.

29 (e) Subsection (b) shall apply to all statements, as described in subsection (b), made on or
30 after the effective date of this statute.

31 Section 91. Recording of Juvenile Custodial Interrogations

32 (a) As used in this section, the following words shall have the following meanings:

33 i. “Statement” means a juvenile’s oral assertion, written assertion, or nonverbal conduct if
34 intended as an assertion.

35 ii. “Juvenile” shall have the same meaning as set forth in G.L. ch. 119, section 89.

36 iii. “Custodial Interrogation” means any questioning by law enforcement officers, or
37 persons acting on behalf of a law enforcement officer, in relation to an investigation, under
38 circumstances where a reasonable juvenile would consider themselves to be in custody, and that
39 questioning is likely to elicit an incriminating response.

40 iv. “Place of Detention” means a vehicle or fixed location under the control of law
41 enforcement, including a police or sheriff’s station, holding cell, jail, correctional or detention
42 facility, or any other place where a juvenile is held in order to conduct a custodial interrogation.

43 v. “Recording” means an authentic, accurate, and unaltered audiovisual record, created
44 by an electronic or digital device, that captures the entirety of what transpired during a custodial
45 interrogation, including all parties involved in the custodial interrogation, and a fair and accurate
46 representation of the space used for the custodial interrogation, commencing when law
47 enforcement, or their representative(s), begins speaking with, or otherwise interacting with, a
48 juvenile in said space, including any recitation of the juvenile’s constitutional rights, and ending
49 when law enforcement, or their representative(s), stops speaking to, or otherwise interacting
50 with, the juvenile in said space.

51 (b) All statements made by a juvenile during a custodial interrogation in a place of
52 detention shall be memorialized and documented through a recording. Failure to create and save
53 such a recording shall make any statement made during such custodial interrogation, or any

54 evidence resulting from the statement, inadmissible in any court where such statement or
55 evidence is offered as evidence.

56 (c) The presumption that such a statement or evidence, as described in subsection (b), is
57 inadmissible, may be overcome if the Commonwealth proves, by clear and convincing evidence,
58 that creating and saving a recording was not reasonably possible under the circumstances.

59 (d) Lack of economic resources relative to the implementation of recording shall not be
60 considered grounds to conclude that recording was not reasonably possible under subsection (c).

61 (e) If the Commonwealth seeks to offer as evidence a statement, or evidence derived
62 there from, made during a custodial interrogation outside of a place of detention, as defined in
63 subsection (a), for which there is no recording, as defined by subsection (a), then the
64 Commonwealth must prove, by clear and convincing evidence, that conducting the custodial
65 interrogation in a place of detention was not reasonably possible.

66 (f) Subsection (b) and (e) shall apply to all statements, as described in subsection (b) and
67 (e), made on or after the effective date of this statute.