

**SENATE . . . . . No.**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***Sal N. DiDomenico***

\_\_\_\_\_

*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:

*Sal N. DiDomenico*

DISTRICT/ADDRESS:

*Middlesex and Suffolk*

**SENATE . . . . . No.**

---

---

[Pin Slip]

---

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 954 OF 2023-2024.]

**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 Section 90(a) As used in this section, the following words shall have the following  
5 meanings:

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

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

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

12           iv. “Custodial Interrogation” means any questioning by law enforcement officers, or  
13 persons acting on behalf of a law enforcement officers, in relation to an investigation, under  
14 circumstances where a reasonable juvenile would consider themselves to be in custody, and that  
15 questioning is likely to elicit an incriminating response.

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

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

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

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

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

## 32 Section 91. Recording of Juvenile Custodial Interrogations

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

34 i. "Statement" means a juvenile's oral assertion, written assertion, or nonverbal conduct if  
35 intended as an assertion.

36 ii. "Juvenile" shall have the same meaning as set forth in G.L. ch. 119, section 89.

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

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

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

50 when law enforcement, or their representative(s), stops speaking to, or otherwise interacting  
51 with, the juvenile in said space.

52 (b) All statements made by a juvenile during a custodial interrogation in a place of  
53 detention shall be memorialized and documented through a recording. Failure to create and save  
54 such a recording shall make any statement made during such custodial interrogation, or any  
55 evidence resulting from the statement, inadmissible in any court where such statement or  
56 evidence is offered as evidence.

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

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

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

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