

**SB 418 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Gorsek

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

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**Action Date:** 04/13/21

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 4-2-1-0

**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski

**Nays:** 2 - Linthicum, Thatcher

**Exc:** 1 - Heard

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Gillian Fischer, Counsel

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

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**WHAT THE MEASURE DOES:**

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.

**ISSUES DISCUSSED:**

- Law enforcement practices under current law
- Interviews measure applies to
- Provisions of measure

**EFFECT OF AMENDMENT:**

Replaces the measure.

**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.

Senate Bill 418 A creates additional restrictions on law enforcement interviews of youth about acts that, if committed by an adult, would constitute a crime.