

SB 418-2
(LC 2069)
4/12/21 (LAS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
SENATE BILL 418**

1 Delete lines 4 through 7 of the printed bill and insert:

2 **“SECTION 1. (1) A statement made by a person during a custodial**
3 **interview conducted by a peace officer is presumed to be involuntary**
4 **if the person is under 18 years of age and the statement is made in**
5 **connection with an investigation into a misdemeanor or a felony, or**
6 **an allegation that the person being interviewed committed an act that,**
7 **if committed by an adult would constitute a misdemeanor or a felony,**
8 **and the court determines that the peace officer intentionally used in-**
9 **formation known by the officer to be false to elicit the statement. This**
10 **presumption may be overcome if the state proves by clear and con-**
11 **vincing evidence that the statement was voluntary and not made in**
12 **response to the false information used by the peace officer to elicit the**
13 **statement.**

14 **“(2) As used in this section:**

15 **“(a) ‘Custodial interview’ has the meaning given that term in ORS**
16 **133.402.**

17 **“(b) ‘Peace officer’ has the meaning given that term in ORS 133.005.**

18 **“SECTION 2. Section 1 of this 2021 Act applies to custodial inter-**
19 **views conducted on or after the effective date of this 2021 Act.”.**

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