

SECOND REGULAR SESSION

HOUSE BILL NO. 2789

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

6128H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to law enforcement custodial interviews.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 590, RSMo, is amended by adding thereto one new section, to be 2 known as section 590.702, to read as follows:

590.702. 1. Notwithstanding any other provision of law, a statement made by a 2 person under arrest during a custodial interrogation, as defined in section 590.700, is 3 presumed to be involuntary if the court determines that the peace officer conducting the 4 interview intentionally used information known by the officer to be false to elicit the 5 statement. This presumption may be overcome if the state proves by clear and 6 convincing evidence that the statement was voluntary and not made in response to the 7 false information used by the peace officer to elicit the statement.

2. Any peace officer intentionally using information known by the officer to be 9 false during a custodial interrogation shall be subject to disciplinary action under 10 chapter 590.

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EXPLANATION — Matter enclosed in bold-faced brackets [**thus**] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.