
HOUSE BILL 1690

State of Washington

67th Legislature

2022 Regular Session

By Representatives Peterson, Macri, Ryu, Simmons, Gregerson, Dolan, Valdez, Fitzgibbon, Berg, Bateman, Kloba, and Frame

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1 AN ACT Relating to the use of deception by law enforcement
2 officers during custodial interrogations; and adding a new chapter to
3 Title 10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Custodial interrogation" means express questioning or other
9 actions or words by a law enforcement officer which are reasonably
10 likely to elicit an incriminating response from an individual and
11 occurs when reasonable individuals in the same circumstances would
12 consider themselves in custody.

13 (2) "Deception" means the knowing communication of false facts
14 about evidence or unauthorized statements regarding leniency by a law
15 enforcement officer to a person who is the subject of custodial
16 interrogation.

17 (3) "Law enforcement officer" means a general authority
18 Washington peace officer or limited authority Washington peace
19 officer as defined in RCW 10.93.020.

20 (4) "Person" means an individual, corporation, business trust,
21 statutory trust, estate, trust, partnership, limited liability

1 company, association, joint venture, public corporation, or
2 government; governmental subdivision, agency, or instrumentality; or
3 any other legal or commercial entity.

4 (5) "Statement" means a communication whether oral, written,
5 electronic, or nonverbal.

6 NEW SECTION. **Sec. 2.** (1) A statement made by a person during a
7 custodial interrogation conducted by a law enforcement officer is
8 presumed to be inadmissible if the court determines that the officer
9 intentionally engaged in deception in obtaining the statement and the
10 statement was made in relation to an investigation of a misdemeanor
11 or a felony, or, in the case of a juvenile, an allegation that the
12 person being interrogated committed an act that would constitute a
13 misdemeanor or a felony if committed by an adult.

14 (2) The prosecution may overcome the presumption of
15 inadmissibility if it proves by clear and convincing evidence that
16 the person's statement was voluntary and not made in response to the
17 officer's use of deception.

18 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
19 new chapter in Title 10 RCW.

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