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**SUBSTITUTE HOUSE BILL 1062**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Community Safety, Justice, & Reentry (originally sponsored by Representatives Peterson, Simmons, Bateman, Reed, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, and Farivar)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to the use of deception by law enforcement  
2 officers during custodial interrogations; adding a new section to  
3 chapter 43.101 RCW; adding a new chapter to Title 10 RCW; and  
4 providing an effective date.

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

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

9 (1) "Custodial interrogation" means express questioning or other  
10 actions or words by a law enforcement officer which are reasonably  
11 likely to elicit an incriminating response from an individual and  
12 occurs when reasonable individuals in the same circumstances would  
13 consider themselves in custody. A "custodial interrogation" does not  
14 include any circumstances where the court finds that the officer was  
15 not required to give the individual a warning and advise the  
16 individual of his or her rights before eliciting a response,  
17 including but not limited to questioning, actions, or words by the  
18 officer during a traffic stop, sting operation, or routine booking  
19 process.

20 (2) "Deception" means the knowing communication of false facts  
21 about evidence or unauthorized statements regarding leniency by a law

1 enforcement officer to a person who is the subject of custodial  
2 interrogation, except where the officer has a reasonable belief that  
3 using such tactics is necessary to:

4 (a) Protect the integrity of a previous or ongoing undercover law  
5 enforcement operation;

6 (b) Protect the integrity of an ongoing criminal investigation;

7 (c) Protect the identity or ensure the safety of an officer,  
8 confidential informant, witness, victim, or other individual; or

9 (d) Confirm the existence, identity, or whereabouts of a  
10 suspected victim or victims that the officer reasonably believes the  
11 subject of the custodial interrogation is attempting to conceal  
12 information about.

13 (3) "Law enforcement officer" means a general authority  
14 Washington peace officer or limited authority Washington peace  
15 officer as defined in RCW 10.93.020.

16 (4) "Person" means an individual, corporation, business trust,  
17 statutory trust, estate, trust, partnership, limited liability  
18 company, association, joint venture, public corporation, or  
19 government; governmental subdivision, agency, or instrumentality; or  
20 any other legal or commercial entity.

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

23 NEW SECTION. **Sec. 2.** (1) A statement made by a person during a  
24 custodial interrogation conducted by a law enforcement officer is  
25 presumed to be inadmissible if the court determines that the officer  
26 intentionally engaged in deception in obtaining the statement and the  
27 statement was made in relation to an investigation of a misdemeanor  
28 or a felony, or, in the case of a juvenile, an allegation that the  
29 person being interrogated committed an act that would constitute a  
30 misdemeanor or a felony if committed by an adult.

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

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101  
36 RCW to read as follows:

37 (1) Subject to the availability of amounts appropriated for this  
38 specific purpose, the commission shall contract with an expert or

1 organization with expertise in interrogation tactics to develop,  
2 administer, and periodically revise a training in evidence-based,  
3 noncoercive interrogation techniques for law enforcement personnel.

4 (2) The training must include, but is not limited to, instruction  
5 on the use of the following interrogation techniques:

6 (a) The preparation and planning, engage and explain, account,  
7 closure and evaluate method;

8 (b) The strategic use of evidence;

9 (c) The cognitive interview; and

10 (d) The trauma-informed interview.

11 (3) After development of the training is completed, the  
12 commission shall make the training available at no cost to all law  
13 enforcement personnel and law enforcement agencies in the state.

14 (4) The commission shall begin offering the training by July 1,  
15 2025.

16 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act constitute a  
17 new chapter in Title 10 RCW.

18 NEW SECTION. **Sec. 5.** Sections 1, 2, and 4 of this act take  
19 effect December 1, 2025.

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