

1 AN ACT relating to interrogation of children.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Deception" includes but is not limited to the knowing communication of*  
7 *false statements about evidence, the misrepresentation of the accuracy of*  
8 *the facts, or the making of false statements regarding leniency; and*

9 *(b) "Psychologically manipulative interrogation tactics" include but are not*  
10 *limited to:*

11 *1. Practices that rely on deceit or a presumption of guilt;*

12 *2. Techniques to scare or intimidate the child by repetitively asserting the*  
13 *child is guilty despite his or her denials, or exaggerating the*  
14 *magnitude of the charges or the strength of the evidence, including*  
15 *suggesting the existence of evidence that does not exist;*

16 *3. Practices that minimize the moral seriousness of the offense, by falsely*  
17 *communicating that the conduct is justified, excusable, or accidental;*

18 *4. Direct or indirect promises of leniency; or*

19 *5. Employment of the false or forced choice strategy, where the child is*  
20 *encouraged to select one (1) of two (2) options, both incriminatory, but*  
21 *one is characterized as morally or legally justified or excusable.*

22 *(2) During a custodial interrogation of a child relating to the commission of a public*  
23 *offense, a law enforcement officer shall not employ threats, physical harm,*  
24 *deception, or psychologically manipulative interrogation tactics.*

25 *(3) Subsection (2) of this section does not apply to interrogations of a child if:*

26 *(a) The law enforcement officer who questioned the child reasonably believed*  
27 *the information the officer sought was necessary to protect life or property*

1                   from an imminent threat; and  
2                   **(b) The questions by law enforcement officers were limited to those questions**  
3                   **that were reasonably necessary to obtain information related to the**  
4                   **imminent threat.**

5                   ➔SECTION 2.     A NEW SECTION OF THE KENTUCKY RULES OF  
6 EVIDENCE IS CREATED TO READ AS FOLLOWS:

7                   **(a) Except as provided in subdivision (b) of this rule, a statement made by a child in**  
8                   **the course of a custodial interrogation that did not comply with applicable**  
9                   **statutes is not admissible against the child in any civil, criminal, or juvenile**  
10                   **proceeding.**

11                   **(b) Evidence excluded in subdivision (a) of this rule is admissible if otherwise**  
12                   **admissible under these rules, and offered by the plaintiff in an action for**  
13                   **damages arising from the interrogation.**