

Bill outlined below references passages of [HOUSE BILL NO. 1023 from 2020 session](#) and relies on its passage. Currently HB 1023 is awaiting action from the Governor.

HOUSE BILL NO. ROUGH DRAFT

Offered January xx, XXXX

Prefilled: Prefilled: The Members of Legislators of Tomorrow

Last Edited March 29, 2020

A BILL to amend the Code of Virginia by adding a section numbered § 19.2-390.05, relating to interrogations; preventing a law-enforcement officer from using deceptive practices and lying during interrogations

Patron -- TBD

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered **19.2-390.05** as follows: § **19.2-390.05**. *Interrogations; preventing a law-enforcement officer from using deceptive practices and lying during interrogations*

A. For purposes of this section:

“Lying” means presenting blatantly inaccurate information or producing false evidence, false testimony, false witnesses statements, or false confessions as a means to elicit a response from the individual in custody. The definition of lying also includes the use of the bluff technique, whereby a law-enforcement officer pretends to have access to evidence, testimony, witnesses statements, or confessions he or she does not have access to without indicating the evidence, testimony, witnesses statements, or confessions necessarily incriminate the suspect.

“Deceptive Practices” means any interrogation techniques that rely on psychological pressure, deceptive or manipulative statements, false promises, or any other techniques used to extract information from the individual in custody or could reasonably result in the individual incriminating himself or herself.

“Individual in custody” means an individual taken into custody during arrest, as discussed in §§ **19.2-71 through 19.2-83.2**.

B. A law-enforcement officer as defined in § **9.1-101** conducting custodial interrogations as defined in § **19.2-390.04** of any person at a place of detention as defined in § **19.2-390.04** shall be prohibited from lying or using any deceptive practices to extract information or a confession from an individual in custody.

C. Failure to follow the above guidelines will result in any information, evidence, witness statements, or confessions, which having been extracted from lying or using any deceptive practices by a law-enforcement officer, to become inadmissible in court.