



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2596

Introduced 2/6/2025, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

725 ILCS 5/103-2.2
725 ILCS 5/103-2.3 new

Amends the Code of Criminal Procedure of 1963. Provides that an oral, written, or sign language confession of a person made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of the amendatory Act is presumed to be inadmissible as evidence against the person making the confession in a criminal proceeding for an act that would be a misdemeanor offense under the Sex Offenses Article of the Criminal Code of 2012 or a felony offense under the Criminal Code of 2012 if, during the custodial interrogation, a law enforcement officer knowingly engages in deception. Provides that the presumption of inadmissibility of a confession of a person at a custodial interrogation at a police station or other place of detention, when such confession is procured through the knowing use of deception, may be overcome by a preponderance of the evidence that the confession was voluntarily given, based on the totality of the circumstances. Provides that the burden of going forward with the evidence and the burden of proving that a confession was voluntary is on the State. Provides that objection to the failure of the State to call all material witnesses on the issue of whether the confession was voluntary must be made in the trial court. Defines terms.

LRB104 09231 RLC 19288 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 103-2.2 and by adding Section
6 103-2.3 as follows:

7 (725 ILCS 5/103-2.2)

8 Sec. 103-2.2. Prohibition of deceptive tactics against
9 protected persons.

10 (a) In this Section:

11 "Custodial interrogation" means any interrogation during
12 which (i) a reasonable person in the subject's position would
13 consider himself or herself to be in custody and (ii) during
14 which a question is asked that is reasonably likely to elicit
15 an incriminating response.

16 "Deception" means the knowing communication of false facts
17 about evidence or unauthorized statements regarding leniency
18 by a law enforcement officer or juvenile officer to a subject
19 of custodial interrogation.

20 "Place of detention" means a building or a police station
21 that is a place of operation for a municipal police department
22 or county sheriff department or other law enforcement agency,
23 not a courthouse, that is owned or operated by a law

1 enforcement agency at which persons are or may be held in
2 detention in connection with criminal charges against those
3 persons.

4 "Protected person" means: a minor who, at the time of the
5 commission of the offense, was under 18 years of age; or a
6 person with a severe or profound intellectual disability.

7 (b) An oral, written, or sign language confession of a
8 protected person made as a result of a custodial interrogation
9 conducted at a police station or other place of detention on or
10 after the effective date of this amendatory Act of the 102nd
11 General Assembly shall be presumed to be inadmissible as
12 evidence against the protected person making the confession in
13 a criminal proceeding or a juvenile court proceeding for an
14 act that if committed by an adult would be a misdemeanor
15 offense under Article 11 of the Criminal Code of 2012 or a
16 felony offense under the Criminal Code of 2012 if, during the
17 custodial interrogation, a law enforcement officer or juvenile
18 officer knowingly engages in deception.

19 (c) The presumption of inadmissibility of a confession of
20 a protected person at a custodial interrogation at a police
21 station or other place of detention, when such confession is
22 procured through the knowing use of deception, may be overcome
23 by a preponderance of the evidence that the confession was
24 voluntarily given, based on the totality of the circumstances.

25 (d) The burden of going forward with the evidence and the
26 burden of proving that a confession was voluntary shall be on

1 the State. Objection to the failure of the State to call all
2 material witnesses on the issue of whether the confession was
3 voluntary must be made in the trial court.

4 (Source: P.A. 102-101, eff. 1-1-22; 103-341, eff. 1-1-24.)

5 (725 ILCS 5/103-2.3 new)

6 Sec. 103-2.3. Prohibition of deceptive tactics.

7 (a) In this Section:

8 "Custodial interrogation" means any interrogation during
9 which (i) a reasonable person in the subject's position would
10 consider himself or herself to be in custody and (ii) during
11 which a question is asked that is reasonably likely to elicit
12 an incriminating response.

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

17 "Place of detention" means a building or a police station
18 that is a place of operation for a municipal police department
19 or county sheriff department or other law enforcement agency,
20 not a courthouse, that is owned or operated by a law
21 enforcement agency at which persons are or may be held in
22 detention in connection with criminal charges against those
23 persons.

24 (b) An oral, written, or sign language confession of a
25 person made as a result of a custodial interrogation conducted

1 at a police station or other place of detention on or after the
2 effective date of this amendatory Act of the 104th General
3 Assembly is presumed to be inadmissible as evidence against
4 the person making the confession in a criminal proceeding for
5 an act that would be a misdemeanor offense under Article 11 of
6 the Criminal Code of 2012 or a felony offense under the
7 Criminal Code of 2012 if, during the custodial interrogation,
8 a law enforcement officer knowingly engages in deception.

9 (c) The presumption of inadmissibility of a confession of
10 a person at a custodial interrogation at a police station or
11 other place of detention, when such confession is procured
12 through the knowing use of deception, may be overcome by a
13 preponderance of the evidence that the confession was
14 voluntarily given, based on the totality of the circumstances.

15 (d) The burden of going forward with the evidence and the
16 burden of proving that a confession was voluntary is on the
17 State. Objection to the failure of the State to call all
18 material witnesses on the issue of whether the confession was
19 voluntary must be made in the trial court.