



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3521

Introduced 2/18/2025, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-401.7 new  
725 ILCS 5/103-2.3 new

Amends the Juvenile Court Act of 1987 and the Code of Criminal Procedure of 1963. Provides that unreliable statements to law enforcement made during a custodial interrogation conducted at a police station or other place of detention by a defendant are inadmissible at trial in any criminal court proceeding or juvenile court proceeding for the prosecution of a homicide. Provides that in any proceeding under this provision, the prosecution shall timely disclose prior to any relevant evidentiary hearing or trial its intent to introduce a statement made during a custodial interrogation conducted at a place of detention. Provides that at that time, the prosecution must tender any electronic recordings of the statement and any documents relating to the circumstances under which the statement was obtained and any other evidence the State intends to rely upon to determine the statement's reliability. Provides that before trial, a defendant may move to exclude a statement alleged to be unreliable. Provides that the defendant shall specifically identify the statement or statements alleged to be unreliable. Provides that at the hearing, it shall be the burden of the prosecutor to prove by a preponderance of the evidence that the statement is reliable. Provides that when deciding a statement's reliability, a court should consider: (1) whether the details in the statement fit with the evidence known before the interrogation, especially details that describe unusual or not easily guessed facts of the crime that had not been made public; (2) whether the statement provides any new details or any new evidence not known before the interrogation that can be independently corroborated after the interrogation; (3) whether facts of the crime were disclosed to the defendant rather than originated with the defendant; (4) whether the defendant recanted the defendant's statement at any time and the circumstances of that recantation; (5) whether the statement was electronically recorded; and (6) any other information relevant to the reliability of the statement.

LRB104 10283 RLC 20357 b

A BILL FOR

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 Juvenile Court Act of 1987 is amended by  
5 adding Section 5-401.7 as follows:

6 (705 ILCS 405/5-401.7 new)

7 Sec. 5-401.7. Inadmissibility of unreliable statements by  
8 defendants.

9 (a) In this Section:

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

15 "Place of detention" means a building or a police station  
16 that is a place of operation for a municipal police department  
17 or county sheriff's department or other law enforcement agency  
18 at which persons are or may be held in detention in connection  
19 with criminal charges against those persons or allegations  
20 that those persons are delinquent minors.

21 (b) Unreliable statements to law enforcement made during a  
22 custodial interrogation conducted at a police station or other  
23 place of detention by a defendant are inadmissible at trial in

1 any criminal court proceeding or juvenile court proceeding for  
2 the prosecution of a homicide.

3 (c) In any proceeding under this Section, the prosecution  
4 shall timely disclose prior to any relevant evidentiary  
5 hearing or trial its intent to introduce a statement made  
6 during a custodial interrogation conducted at a place of  
7 detention. At that time, the prosecution must tender any  
8 electronic recordings of the statement and any documents  
9 relating to the circumstances under which the statement was  
10 obtained and any other evidence the State intends to rely upon  
11 to determine the statement's reliability.

12 (d) Before trial, a defendant may move to exclude a  
13 statement alleged to be unreliable. The defendant shall  
14 specifically identify the statement or statements alleged to  
15 be unreliable.

16 (e) At the hearing, it shall be the burden of the  
17 prosecutor to prove by a preponderance of the evidence that  
18 the statement is reliable.

19 (f) When deciding a statement's reliability, a court  
20 should consider:

21 (1) whether the details in the statement fit with the  
22 evidence known before the interrogation, especially  
23 details that describe unusual or not easily guessed facts  
24 of the crime that had not been made public;

25 (2) whether the statement provides any new details or  
26 any new evidence not known before the interrogation that

1 can be independently corroborated after the interrogation;

2 (3) whether facts of the crime were disclosed to the  
3 defendant rather than originated with the defendant;

4 (4) whether the defendant recanted the defendant's  
5 statement at any time and the circumstances of that  
6 recantation;

7 (5) whether the statement was electronically recorded;  
8 and

9 (6) any other information relevant to the reliability  
10 of the statement.

11 Section 10. The Code of Criminal Procedure of 1963 is  
12 amended by adding Section 103-2.3 as follows:

13 (725 ILCS 5/103-2.3 new)

14 Sec. 103-2.3. Inadmissibility of unreliable statements by  
15 defendants.

16 (a) In this Section:

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

22 "Place of detention" means a building or a police station  
23 that is a place of operation for a municipal police department  
24 or county sheriff's department or other law enforcement agency

1 at which persons are or may be held in detention in connection  
2 with criminal charges against those persons or allegations  
3 that those persons are delinquent minors.

4 (b) Unreliable statements to law enforcement made during a  
5 custodial interrogation conducted at a police station or other  
6 place of detention by a defendant are inadmissible at trial in  
7 any criminal court proceeding or juvenile court proceeding for  
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13 detention. At that time, the prosecution must tender any  
14 electronic recordings of the statement and any documents  
15 relating to the circumstances under which the statement was  
16 obtained and any other evidence the State intends to rely upon  
17 to determine the statement's reliability.

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19 statement alleged to be unreliable. The defendant shall  
20 specifically identify the statement or statements alleged to  
21 be unreliable.

22 (e) At the hearing, it shall be the burden of the  
23 prosecutor to prove by a preponderance of the evidence that  
24 the statement is reliable.

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2 evidence known before the interrogation, especially  
3 details that describe unusual or not easily guessed facts  
4 of the crime that had not been made public;

5           (2) whether the statement provides any new details or  
6 any new evidence not known before the interrogation that  
7 can be independently corroborated after the interrogation;

8           (3) whether facts of the crime were disclosed to the  
9 defendant rather than originated with the defendant;

10           (4) whether the defendant recanted the defendant's  
11 statement at any time and the circumstances of that  
12 recantation;

13           (5) whether the statement was electronically recorded;  
14 and

15           (6) any other information relevant to the reliability  
16 of the statement.