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**Subject:** Re: LESC - August 16, 2022, Commission Meeting Materials.  
**Date:** Wednesday, August 17, 2022 11:19:52 AM

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Greetings

Please note that proposed OAR 265-005-0001 (24). which defines dishonesty, needs to acknowledge ORS 133.403, below (emphasis added):

**133.403 Voluntariness of statement by juvenile during custodial interview.** (1) A statement made by a person during a custodial interview conducted by a peace officer is presumed to be involuntary if the person is under 18 years of age and the statement is made in connection with an investigation into a misdemeanor or a felony, or an allegation that the person being interviewed committed an act that, if committed by an adult would constitute a misdemeanor or a felony, *and the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement.* This presumption may be overcome if the state proves by clear and convincing evidence that the statement was voluntary and not made in response to the false information used by the peace officer to elicit the statement.

(2) As used in this section:

- (a) “Custodial interview” has the meaning given that term in ORS 133.402.
- (b) “Peace officer” has the meaning given that term in ORS 133.005. [2021 c.487 §1]

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***Admit Nothing. Remain Calm.***