

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 108

"TO REQUIRE NOTICE TO PARENTS OR GUARDIANS OF JUVENILES TAKEN INTO
CUSTODY; TO REQUIRE LAW ENFORCEMENT OFFICERS TO NOTIFY JUVENILES OF
THEIR RIGHTS BEFORE QUESTIONING."

Amendment No. 1 to Senate Bill No. 108.

Amend Senate Bill No. 108 as originally introduced:

Page 1, delete line 14 and substitute the following:
"CUSTODIAL PARENT, GUARDIAN, OR CUSTODIAN"

AND

Page 1, line 15, delete "JUVENILE"

AND

Page 12, delete lines 7 and 8 and substitute the following:
"effort possible to notify the custodial parent, guardian, or custodian of
the juvenile's location. "

AND

Page 12, delete line 12 and substitute the following:
"possible to notify the custodial parent, guardian, or custodian"

AND

Page 12, line 13, delete "juvenile"

AND

Page 12, delete lines 20 and 21 and substitute the following:
"possible effort to notify the custodial parent, guardian, or ~~other person~~
~~having care of the juvenile~~ custodian of the juvenile's location."

AND

Page 13, delete lines 9 and 10 and substitute the following:

"make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location, and shall notify the"

AND

Page 13, delete lines 23 and 24 and substitute the following:

"every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:"

AND

Page 14, delete lines 6 and 7 and substitute the following:

"immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:"

AND

Page 14, delete lines 23 and 24 and substitute the following:

"notify the juvenile's parents, guardians, or custodians within twenty four (24) hours custodial parent, guardian, or custodian."

AND

Page 14, delete lines 31 and 32 and substitute the following:

"make every possible effort to notify the custodial parent, guardian, or other person having care of the juvenile custodian of the juvenile's location. The notification to"

AND

Delete sections 3 and 4 and substitute the following:

"SECTION 3. Arkansas Code 9-27-317(g) and (h) are amended to read as follows:

(g) No waiver of the right to counsel shall be accepted when a juvenile is in the custody of the Department of Human Services, including the Division of Youth Services.

(g)(h)(1) All waivers of the right to counsel, except those made in the presence of the court pursuant to subsection (a) of this section, shall be in writing, and signed by the juvenile, and co-signed by a custodial parent, guardian, or custodian.

(2) When a custodial parent, guardian, or custodian cannot be located, or is located and refuses to go to the place where the juvenile is being held, the juvenile may not waive counsel.

(h)(1)(A)(i)(1)(A) Whenever a law enforcement officer has reasonable cause to believe that any juvenile found at or near the scene of a felony is a witness to the offense, he may stop that juvenile.

(B) After having identified himself, the officer must advise the juvenile of the purpose of the stopping and may then demand of him his name, address, and any information he may have regarding the offense.

(C) Such detention shall in all cases be reasonable and shall not exceed fifteen (15) minutes, unless the juvenile shall refuse to give such information, in which case the juvenile, if detained further, shall immediately be brought before any judicial officer or prosecuting attorney to

be examined with reference to his name, address, or the information he may have regarding the offense.

(2)(A) A law enforcement officer who takes a juvenile into custody for a delinquent or criminal offense shall advise the juvenile of his or her Miranda rights, in the juvenile's own language.

(B) A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense until the law enforcement officer has advised the juvenile of his or her rights pursuant to subsection (i)(2)(C), in the juvenile's own language. In an emergency when it is necessary to protect the public or individual safety, an officer may question a juvenile, but the information so obtained may not be used as evidence against the juvenile in any court.

(C) ~~No~~ A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has indicated in any manner that he:

(i) Does not wish to be questioned;

(ii) Wishes to speak with a his or her parent, or guardian, or custodian, or to have a parent or guardian that person present;
or

(iii) Wishes to consult counsel before submitting to any questioning.

~~(B)~~(D) Any waiver of the right to counsel by a juvenile shall conform to subsection ~~(g)~~(h) of this section."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Everett

LH/RRS

RRS573

Secretary