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HOUSE FILE No. 3007

FIRST COMMITTEE ENGROSSMENT

February 14, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

Referred by Chair to Crime Victims Subcommittee.

February 15, 2008

Returned to the Committee on Public Safety and Civil Justice as Amended.

1.1 A bill for an act
1.2 relating to public safety; prohibiting juveniles under the age of 16 from waiving
1.3 their right to counsel during custodial interrogations except if the waiver is made
1.4 by the juvenile's attorney or parent; amending Minnesota Statutes 2006, section
1.5 260B.175, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 260B.175, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 5. Waiver of counsel during custodial interrogation. The right to counsel
1.10 during a custodial interrogation may not be waived by a juvenile under the age of 16
1.11 unless waived:

1.12 (1) by counsel retained or appointed to represent the juvenile and the juvenile
1.13 knowingly joins with the waiver;

1.14 (2) by the juvenile's custodial parent, guardian, custodian, or guardian ad litem if:

1.15 (i) that person knowingly and voluntarily waives the right;

1.16 (ii) that person has no interest adverse to the juvenile;

1.17 (iii) meaningful consultation has occurred between that person and the juvenile; and

1.18 (iv) the juvenile knowingly and voluntarily joins with the waiver; or

1.19 (3) by the juvenile, without the presence of counsel, a custodial parent, guardian,
1.20 custodian, or guardian ad litem, and the waiver is knowing and voluntary.