

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3007**

February 14, 2008

Authored by Simon

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

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 if the juvenile knowingly and voluntarily consents to
1.21 the waiver.