

20102315D

HOUSE BILL NO. 746

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend the Code of Virginia by adding a section numbered 16.1-247.1, relating to custodial interrogation of a child; consultation with legal counsel; admissibility of statements.

Patron—Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 16.1-247.1 as follows:****§ 16.1-247.1. Custodial interrogation of a child; consultation with legal counsel; admissibility of statements.**

A. For the purposes of this section, "custodial interrogation" means any interview conducted by a law-enforcement officer in such circumstances that would lead a reasonable person to consider himself to be in custody associated with arrest and during which the law-enforcement officer takes actions or asks questions that are reasonably likely to elicit responses from the person that could incriminate him.

B. Prior to the custodial interrogation of a child, the child shall (i) consult with legal counsel in person, by telephone, or by video conference and (ii) have contact with his parent, guardian, legal custodian, or other person standing in loco parentis in person, by telephone, or by video conference.

C. Any statement made by a child during or after a custodial interrogation that does not comply with the provisions of this section shall be inadmissible as evidence unless (i) the law-enforcement officer who conducted the custodial interrogation of the child reasonably believed the information he sought was necessary to protect life or property from an imminent threat and (ii) the law-enforcement officer's questions were limited to those that were reasonably necessary to obtain that information.

INTRODUCED

HB746