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HOUSE BILL NO. 2051

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 16.1-247.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-390.05, relating to custodial interrogations; false statements to a child prohibited; inauthentic replica documents prohibited.

Patrons—Glass and Price

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-247.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-390.05 as follows:

§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; false statement to child prohibited.

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted if (i) the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

C. Law-enforcement officers shall be prohibited from making false statements or materially misrepresenting any fact prior to or during a custodial interrogation of a child to secure the cooperation, confession, or conviction of such child.

§ 19.2-390.05. Use of inauthentic replica documents in custodial interrogations prohibited.

A. For the purposes of this section:

"Custodial interrogation" has the same meaning as in § 19.2-390.04.

"Inauthentic replica document" means any document generated by law-enforcement officers or their agents that (i) contains a false statement, signature, seal, letterhead, or contact information or (ii) materially misrepresents any fact.

B. Law-enforcement officers and their agents shall be prohibited from using inauthentic replica documents while conducting a custodial interrogation to secure from any person his cooperation or confession or to secure a conviction.

INTRODUCED

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