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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2859

03/13/2023 Authored by Feist, Frazier, Finke, Kozlowski and Becker-Finn
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing a right for juveniles to consult with an attorney
1.3 before an interrogation; requiring notification to parents; requiring record keeping;
1.4 proposing coding for new law in Minnesota Statutes, chapter 260B.

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

1.6 Section 1. 260B.010 INTERROGATION OF JUVENILES.

1.7 Subdivision 1. Parental notification. (a) Prior to a custodial interrogation of a child, a
1.8 peace officer shall make every reasonable effort to notify the parent, guardian, or custodian
1.9 of the child that:

1.10 (1) the officer intends to initiate a custodial interrogation of the child; and

1.11 (2) the child will consult with an attorney before the interrogation.

1.12 (b) A peace officer may begin the custodial interrogation of a child if the officer is unable
1.13 to contact the parent, guardian, or custodian and additional attempts would unreasonably
1.14 delay the interrogation.

1.15 (c) The peace officer shall make a signed report of the attempts to contact a parent,
1.16 guardian, or custodian, setting forth:

1.17 (1) the time the child was stopped, detained, or taken into custody;

1.18 (2) the time at which the peace officer attempted to contact the child's parent, guardian,
1.19 or custodian and whether the attempt was successful;

1.20 (3) the method or methods used to attempt to contact the child's parent, guardian, or
1.21 custodian;

2.1 (4) whether the child's parent, guardian, or custodian asked to be present at the
2.2 interrogation; and

2.3 (5) the time at which the interrogation began.

2.4 Subd. 2. **Consultation with an attorney.** (a) Prior to a custodial interrogation of a child,
2.5 the child shall consult with an attorney. The consultation may not be waived and applies to
2.6 every child regardless of whether the child is subject to the jurisdiction of juvenile court or
2.7 district court.

2.8 (b) A peace officer shall allow the child to consult with an attorney identified by the
2.9 child or the child's parent, guardian, or custodian. If the child or the child's parent, guardian,
2.10 or custodian does not identify an attorney, the peace officer shall facilitate contact with the
2.11 public defender.

2.12 (c) The child's consultation with an attorney shall be confidential and may take place in
2.13 person or by telephone or other electronic means.

2.14 Subd. 3. **Evidence.** Any statement made by a child and any information obtained or
2.15 collected by a peace officer in violation of this section is not admissible as evidence in a
2.16 criminal or civil proceeding against the child.

2.17 Subd. 4. **Exceptions.** This section does not apply if:

2.18 (1) an officer has reasonable grounds to believe that an emergency is imminent;

2.19 (2) the information being sought from the child is necessary for the protection of life or
2.20 property; and

2.21 (3) the interrogation is limited to gathering information necessary to prevent or limit the
2.22 emergency.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
2.24 interrogations that take place on or after that date.