## LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

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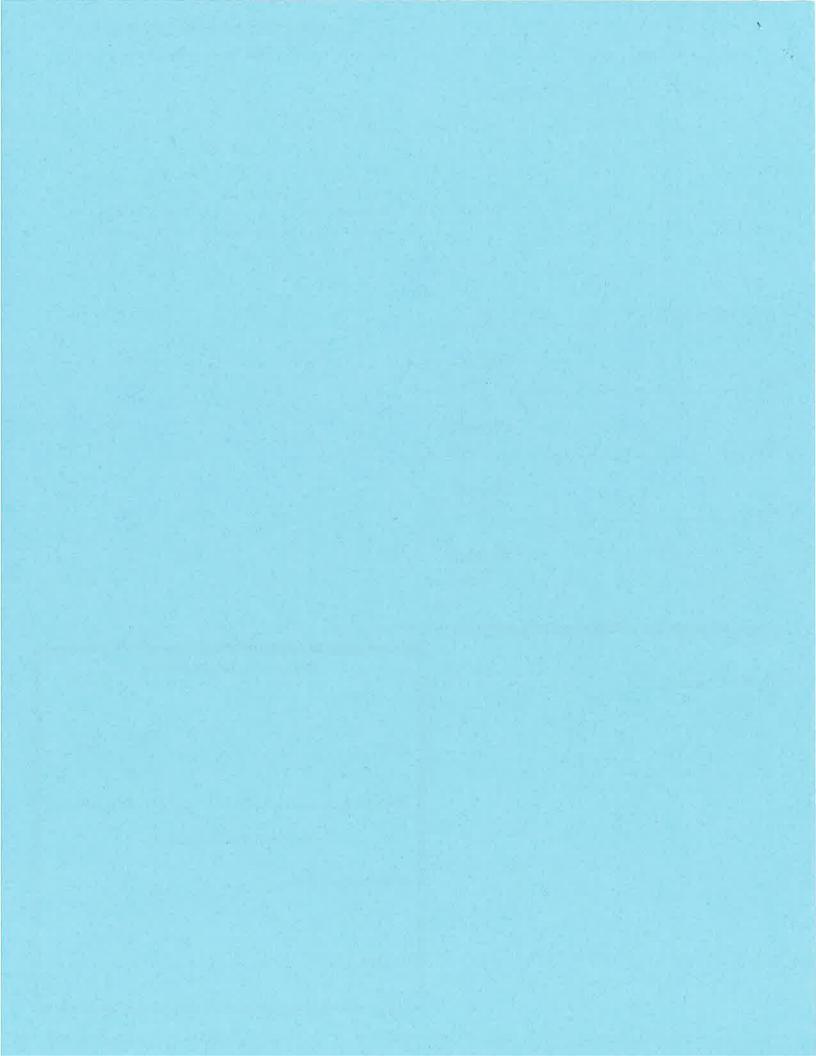
AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for statement upon arrest and custody.

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## AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the 1 Pennsylvania Consolidated Statutes, in juvenile matters, 2 3

providing for statement upon arrest and custody.

- The General Assembly of the Commonwealth of Pennsylvania 4
- hereby enacts as follows: 5
- Title 42 of the Pennsylvania Consolidated 6 Section 1.
- Statutes is amended by adding a section to read: 7
- § 6338.1. Instructions upon arrest and custody. 8
- (a) General rule. -- A law enforcement officer shall issue 9
- simplified instructions relating to an individual's 10
- constitutional rights upon arrest to a minor or any individual a 11
- law enforcement officer may reasonably suspect to be a minor 12
- prior to taking the minor into custody to ensure the following: 13
- (1) Adequate comprehension on the part of the minor as 14
- to the consequences of statements made while in custody. 15
- (2) The minor recognizes the constitutional right to 16
- protection from self-incrimination. 17
- (3) The minor is given the opportunity to directly 18

_	request counser.
2	(b) Simplified instructions
3	(1) Prior to taking a minor or any individual a law
4	enforcement officer may reasonably suspect to be a minor into
5	custody, the arresting law enforcement officer shall read the
6	following to the minor:
7	(i) You have the right to remain silent, which means
8	it's okay if you don't want to talk with me.
9	(ii) If you do talk to me, I can tell people what
10	you said and it could be used against you.
11	(iii) You have the right to get help from a lawyer.
12	(iv) If you cannot afford a lawyer, the court will
13	give you one for free who will work just for you.
14	(v) If you start to answer my questions, you can
15	change your mind and stop at any time and I won't ask you
16	any more questions.
17	(2) Once the instructions under paragraph (1) have been
18	issued, the arresting law enforcement officer shall ask the
19	following questions of the minor:
20	(i) Do you understand? If the minor answers yes, the
21	law enforcement officer shall ask the question under
22	subparagraph (ii).
23	(ii) Do you want help from a lawyer before we talk?
24	If the minor answers no, the law enforcement officer
25	shall ask the question under subparagraph (iii).
26	(iii) Do you want to answer my questions? If the
27	minor answers yes, the law enforcement officer may
28	proceed with questioning.
29	Section 2. This act shall take effect in 60 days