

2018D11117MAB:JSL

LEGISLATIVE REFERENCE BUREAU

No. _____

AN ACT

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

INTRODUCED _____ 20_____

By _____ District
NO. _____

By _____ District
NO. _____

By _____ District
NO. _____

By _____ District
NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

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

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6338.1. Instructions upon arrest and custody.

9 (a) General rule.--A law enforcement officer shall issue
10 simplified instructions relating to an individual's
11 constitutional rights upon arrest to a minor or any individual a
12 law enforcement officer may reasonably suspect to be a minor
13 prior to taking the minor into custody to ensure the following:

14 (1) Adequate comprehension on the part of the minor as
15 to the consequences of statements made while in custody.

16 (2) The minor recognizes the constitutional right to
17 protection from self-incrimination.

18 (3) The minor is given the opportunity to directly

1 request counsel.

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.