

1 S.159

2 Introduced by Senator Cummings

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; custodial interrogations; minors

6 Statement of purpose: This bill proposes to prohibit custodial interrogations of
7 minors by law enforcement officers unless the minor's parent or guardian is
8 present.

9 An act relating to custodial interrogations of minors

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 13 V.S.A. chapter 182, subchapter 3 is added to read:

12 Subchapter 3. Custodial Interrogations of Minors

13 § 5581. DEFINITIONS

14 As used in this chapter:

15 (1) "Custodial interrogation" means an interrogation by a law
16 enforcement officer or an agent of a law enforcement agency of a minor during
17 which a reasonable person in the minor's position would believe that he or she
18 is in custody or otherwise deprived of his or her freedom of action in any
19 significant way.

1 (2) “Law enforcement agency” shall have the same meaning as in
2 subsection 3019(a) of this title.

3 (3) “Law enforcement officer” shall have the same meaning as in
4 subdivision 3501(a)(4) of this title.

5 (4) “Statement” means an oral, written, sign language, or other
6 nonverbal communication.

7 § 5582. CUSTODIAL INTERROGATIONS OF MINORS;

8 PRESENCE OF PARENT OR GUARDIAN REQUIRED

9 (a) No law enforcement officer or agent of a law enforcement agency shall
10 conduct a custodial interrogation of a person younger than 18 years of age
11 unless the person’s parent or guardian is present at the interrogation.

12 (b) A statement made by a person younger than 18 years of age during a
13 custodial interrogation conducted in violation of subsection (a) of this section
14 shall not be admissible in any court proceeding.