

HOUSE BILL NO. 4873

May 18, 2021, Introduced by Reps. Anthony, Hope, Sowerby, Young, Hood, Cavanagh, Ellison, Aiyash, Tyrone Carter, Brixie, Brabec, Manogian, Weiss, Bolden, Rogers, Cynthia Johnson, O'Neal and Pohutsky and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 27b to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

1
2 **Sec. 27b. (1) Before a juvenile in custodial detention may be**
3 **interrogated, he or she must be advised of all of the following:**

4 **(a) That the juvenile has the right to remain silent.**

5 **(b) That any statement the juvenile makes may be used against**

1 the juvenile.

2 (c) That the juvenile has the right to have a parent,
3 guardian, or custodian present during the interrogation.

4 (d) That the juvenile has the right to consult with an
5 attorney and be represented by an attorney at an interrogation.

6 (e) That an attorney will be appointed for the juvenile if the
7 juvenile is not represented and wants representation.

8 (f) That an interrogation must cease if the juvenile requests
9 the representation of an attorney, until an attorney is present.

10 (2) Before an interrogation of a juvenile in custodial
11 detention begins, notice must be given to the juvenile's parent,
12 guardian, custodian, or attorney. Unless an in-custody admission or
13 confession resulting from the interrogation of a juvenile was made
14 in the presence of the juvenile's parent, guardian, custodian, or
15 attorney, it is inadmissible for any purpose. The notice required
16 by this subsection must be given either personally or by telephone.

17 (3) If an attorney is not present for the interrogation of a
18 juvenile in custodial detention, the parent, guardian, or
19 custodian, as well as the juvenile, must be advised of the
20 juvenile's rights under subsection (1). A parent, guardian, or
21 custodian may not waive any of the rights listed in subsection (1)
22 on behalf of the juvenile.

23 (4) If a juvenile indicates in any manner and at any stage of
24 an interrogation under this section that the juvenile does not wish
25 to be questioned further, the interrogation must cease.

26 (5) Before a court admits into evidence a statement resulting
27 from the custodial interrogation of a juvenile, the court must find
28 that the juvenile knowingly, willingly, and understandingly waived
29 his or her rights.