

117TH CONGRESS
1ST SESSION

S. 2498

To protect minors from premature waiver of their constitutional rights during a custodial interrogation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2021

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect minors from premature waiver of their constitutional rights during a custodial interrogation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Miranda
5 Rights for Kids Act”.

6 **SEC. 2. WAIVER OF MIRANDA RIGHTS BY A MINOR.**

7 (a) IN GENERAL.—Chapter 223 of title 18, United
8 States Code, is amended by inserting after section 3051
9 the following:

1 **“§ 3501A. Custodial interrogation of a minor**

2 “(a) NOTIFICATION.—Except as provided in sub-
3 section (c), any law enforcement officer who has arrested
4 a minor for a violation of law shall notify the minor’s par-
5 ent, guardian, or legal custodian that the minor has been
6 arrested and shall provide the location of where the minor
7 is being detained.

8 “(b) WAIVER.—A minor who is subject to a custodial
9 interrogation may only waive the privilege against self-in-
10 crimination or the right to assistance of legal counsel if
11 the minor consults with legal counsel in person before such
12 waiver.

13 “(c) EXCEPTION.—Subsection (a) shall not apply
14 if—

15 “(1) custodial interrogation of a minor is nec-
16 essary to gather information to protect the life of
17 the minor or of another from an imminent threat;
18 and

19 “(2) the questions that were asked during the
20 custodial interrogation were reasonably necessary to
21 obtain such information.

22 “(d) ASSIGNED COUNSEL.—

23 “(1) IN GENERAL.—A minor who is subject to
24 a custodial interrogation shall have the right to have
25 the legal counsel assigned to the minor’s case phys-
26 ically present during such interrogation.

1 “(2) VIOLATION.—In the case of custodial in-
 2 terrogation of a minor, it shall be a violation of this
 3 subsection for the minor to be represented by any
 4 substitute counsel temporarily assigned to represent
 5 the minor.

6 “(e) INADMISSIBLE.—In any criminal prosecution
 7 brought by the United States, any statement given by a
 8 minor during a custodial interrogation that does not com-
 9 ply with this section, and any evidence derived from that
 10 statement, shall be inadmissible.

11 “(f) MINOR DEFINED.—In this section, the term
 12 ‘minor’ means an individual who has not attained 18 years
 13 of age.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for chapter 223 of title 18, United States Code, is amend-
 16 ed by inserting after the item relating to section 3501 the
 17 following item:

“3501A. Custodial interrogation of a minor.”.

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