
Human Services Committee

HB 1054

Brief Description: Notifying parents, guardians, and custodians when a juvenile is taken into custody.

Sponsors: Representatives Moeller, Chase, Appleton, Williams, Rolfes, Kirby, Hasegawa, Blake and Dickerson.

Brief Summary of Bill

- Requires law enforcement to make a reasonable attempt to notify a juvenile's parent, guardian, or custodian when the juvenile is taken into custody and where the juvenile is being held.

Hearing Date: 1/21/09

Staff: Linda Merelle (786-7092)

Background:

A person is in "custody" if there is a formal arrest or under circumstances where a reasonable person believes that his or her freedom is curtailed to the degree associated with a formal arrest. Under certain circumstances when a juvenile is taken into custody, law enforcement has the obligation to notify or attempt to notify the parents that the juvenile is in custody:

Possession of a Weapon: If a juvenile is arrested as a result of possession of a weapon on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively for public or private schools, law enforcement is required to refer the juvenile to a county-designated mental health professional for examination and evaluation. Law enforcement must, within 24 hours, notify the parent(s) of the arrest and the examination.

At Risk: A law enforcement officer is required to take a juvenile into custody if the officer reasonably believes, based upon the juvenile's age, the location, the time of day, etc., that the

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juvenile is in circumstances which constitute a danger to his or her safety. If a law enforcement agency takes a juvenile into custody under these circumstances, the officer must notify or attempt to notify the parent. If the parent is available, the officer must transport the juvenile to his or her home or to the parent's place of employment if the parent is not at home.

If a juvenile is held in custody by law enforcement for questioning during the course of an investigation of a criminal offense, there is no legal requirement to notify the juvenile's parents that the juvenile is in custody or where the juvenile is being held.

Summary of Bill:

When a law enforcement officer takes a juvenile into custody, a reasonable attempt must be made by law enforcement to notify the juvenile's parent, guardian, or custodian of the custody and where the juvenile is being held.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.