
**Juvenile Justice & Family Law
Committee**

SSB 6579

Brief Description: Requiring parents be notified when a juvenile is taken into custody.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin).

Brief Summary of Substitute Bill

- Requires a reasonable attempt be made to provide notification to a parent, guardian, or custodian that his or her child has been taken into custody by law enforcement and where the child is being held.
- Creates a joint task force to review practices, protocols, and policies regarding the interrogation of juveniles in the custody of law enforcement.

Hearing Date: 2/17/06

Staff: Sonja Hallum (786-7092).

Background:

Law enforcement officers have a duty to investigate violations of the law. An officer may make an investigatory stop even though the officer lacks probable cause to believe that a suspect is involved in criminal activity. An investigatory stop is valid if a law enforcement officer has a well-founded suspicion based on objective facts that a suspect is connected to actual or potential criminal activity.

When a person is questioned by law enforcement, the person is not necessarily in "custody." A person is in "custody" if there is a formal arrest or if a reasonable person in a suspect's position would have felt that his or her freedom was curtailed to the degree associated with a formal arrest.

If a juvenile is held in custody by law enforcement for questioning, there is not a legal requirement to notify the juvenile's parents that the juvenile is in custody or where he or she is being held.

Summary of Bill:

When law enforcement takes a child into custody a reasonable attempt must be made to notify the child's parent, guardian, or custodian that the child has been taken into custody and inform the child's parent, guardian, or custodian where the child is being held.

A joint task force is created to review statewide practices, protocols, and policies regarding the interrogation of juveniles in the custody of law enforcement, as well as the laws of other states regarding custodial interrogation. The joint task force shall consist of the following members:

- (a) one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- (b) one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives;
- (c) the Attorney General or the Attorney General's designee;
- (d) a member designated by the Washington prosecutors association;
- (e) a member of the Washington State Patrol, designated by the Chief of the state patrol;
- (f) a chief of police and a sheriff designated by the Washington Association of Sheriffs and Police Chiefs;
- (g) a member designated by the Washington Association of Criminal Defense Lawyers;
- (h) the Secretary of the Department of Social and Health Services or the secretary's designee;
- (i) the Superintendent of Public Instruction or the Superintendent's designee;
- (j) the Executive Director of the Office of Public Defense or the Executive Director's designee;
- (k) a representative of the Superior Court Judges Association;
- (l) a member of the Washington Defender Association;
- (m) a member who is a law enforcement detective experienced in juvenile crime, as designated by the Washington Council of Police and Sheriffs; and
- (n) the following members, jointly appointed by the Speaker of the House of Representatives and the President of the Senate:
 - (i) a member of an organization that provides assistance to persons who are victims of juvenile crime;
 - (ii) a representative of an organization that primarily provides services to children involved with the juvenile justice system;
 - (iii) an academic with a doctorate degree in child development; and
 - (iv) a parent of a juvenile.

The task force must report on the work of the task force to the appropriate committees of the Legislature by January 1, 2007.

Appropriation: None.

Fiscal Note: Not requested.

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