

HOUSE BILL REPORT

HB 1010

As Reported by House Committee On:
Human Services

Title: An act relating to notification of parents, guardians, and custodians when a juvenile is taken into custody by law enforcement.

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

Sponsors: Representatives Moeller, Hudgins, Appleton, Morrell, Kenney, Dickerson, B. Sullivan and Warnick.

Brief History:

Committee Activity:

Human Services: 1/16/07, 1/25/07 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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:

Law enforcement is required to make reasonable attempts to notify a child's parent, guardian, or custodian when the child is taken into custody and is being held.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a straight-forward bill. When a juvenile is taken into custody a reasonable effort should be made to notify the parents. Most agencies make this effort now, but not all and it is appropriate. This does not interfere with the police officer's ability to conduct an investigation. The only gray area may be in deciding what is a "good faith effort." There is practically unanimous support of this bill as it is drafted. It is in the best interest of the police to contact the parents as soon as possible. Law enforcement deals with these standards on a regular basis and is comfortable with them.

(With concerns) We are concerned with the drafting. Courts can construe this to mean law enforcement or it could mean detention. Detention usually does this anyway. Judges would like to see a timeline rather than a "reasonable attempt."

(Opposed) None.

Persons Testifying: (In support) Representative Moeller, prime sponsor; Bill Hanson, Washington Fraternal Order of Police; Lee Reaves, Washington Council of Police and Sheriffs; and Don Pierce and James McMahan, Washington Association of Sheriffs and Police Chiefs.

(With concerns) Martha Harden Cesar, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.