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HOUSE BILL NO. 266
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on _____)
(Patron Prior to Substitute--Delegate Watts)

A BILL to amend and reenact § 16.1-247.1 of the Code of Virginia, relating to custodial interrogation of a child; failure to comply; inadmissibility of statement.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-247.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; inadmissibility of statement.

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted ~~if~~ (i) if the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) if the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

