HOUSE BILL NO. 266 1 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE (Proposed by the House Committee for Courts of Justice 3 on _____) 4 5 (Patron Prior to Substitute--Delegate Watts) 6 A BILL to amend and reenact § 16.1-247.1 of the Code of Virginia, relating to custodial interrogation of 7 a child; failure to comply; inadmissibility of statement. 8 Be it enacted by the General Assembly of Virginia: 9 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; 10 11 inadmissibility of statement. 12 A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested 13 such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian 14 shall be notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. 15 The notification and contact required by this subsection may be in person, electronically, by telephone, or 16 by video conference. 17 B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted-if 18 (i) if the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) if the child's 19 parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated 20 for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection 21 A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or 22 (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the 23 information sought is necessary to protect life, limb, or property from an imminent danger and the law-24 enforcement officer's questions are limited to those that are reasonably necessary to obtain such 25 information.

C. Except as provided in subsection B, if a law-enforcement officer violates the provisions of
subsection A, any statements made by such child shall be inadmissible in any delinquency proceeding or
criminal proceeding against such child, unless the attorney for the Commonwealth proves by a
preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.
2. That the provisions of § 16.1-247.1 of the Code of Virginia, as amended by this act, shall not apply
to any statements made by a child prior to July 1, 2024.
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