

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 118 Session of 2019

INTRODUCED BY D. MILLER, MURT, RABB, YOUNGBLOOD, A. DAVIS, HILL-  
EVANS, CALTAGIRONE AND McCLINTON, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 providing for instructions upon arrest and custody.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6338.1. Instructions upon arrest and custody.

9 (a) Authorization.--A law enforcement officer shall issue  
10 simplified instructions under this section relating to an  
11 individual's constitutional rights upon arrest to a minor prior  
12 to taking the minor into custody.

13 (b) Purpose.--The simplified instructions under this section  
14 are intended to ensure the following:

15 (1) Adequate comprehension on the part of the minor as  
16 to the consequences of statements made while in custody.

17 (2) The minor recognizes the constitutional right to  
18 protection from self-incrimination.

1           (3) The minor is given the opportunity to directly  
2 request counsel.

3 (c) Simplified instructions.--

4           (1) The arresting law enforcement officer of a minor  
5 shall read the following to the minor:

6           (i) You have the right to remain silent, which means  
7 it's okay if you don't want to talk with me.

8           (ii) If you do talk to me, I can tell people what  
9 you said and it could be used against you.

10           (iii) You have the right to get help from a lawyer.

11           (iv) If you cannot afford a lawyer, the court will  
12 give you one for free who will work just for you.

13           (v) If you start to answer my questions, you can  
14 change your mind and stop at any time and I won't ask you  
15 any more questions.

16           (2) Once the simplified instructions under paragraph (1)  
17 have been issued, the arresting law enforcement officer of  
18 the minor shall ask the following questions to the minor:

19           (i) Do you understand? If the minor answers yes, the  
20 law enforcement officer shall ask the question under  
21 subparagraph (ii).

22           (ii) Do you want help from a lawyer before we talk?  
23 If the minor answers no, the law enforcement officer  
24 shall ask the question under subparagraph (iii).

25           (iii) Do you want to answer my questions? If the  
26 minor answers yes, the law enforcement officer may  
27 proceed with questioning.

28 (d) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection unless the context clearly indicates otherwise:

1       "Minor." An individual under 18 years of age or an  
2 individual who a law enforcement officer reasonably suspects to  
3 be an individual under 18 years of age.

4       Section 2. This act shall take effect in 60 days.