
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 188 Session of
2023

INTRODUCED BY D. MILLER, FLEMING, MADDEN, SANCHEZ, JAMES,
SCHLOSSBERG, GIRAL, HANBIDGE, GALLOWAY, D. WILLIAMS,
KRAJEWSKI, KINSEY, KINKEAD AND N. NELSON, MARCH 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2023

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 law enforcement officer arresting a minor shall
5 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 law enforcement officer arresting the
18 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.