

HOUSE BILL REPORT

HB 2992

As Reported by House Committee On:
Juvenile Justice & Family Law

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, Darneille, Hasegawa and Dunn.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/24/06 [DPS].

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

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.

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 Substitute Bill:

When law enforcement takes a juvenile into custody, a reasonable attempt must be made to notify a child's parent, guardian, or custodian that the child is in custody and is being held.

Substitute Bill Compared to Original Bill:

The substitute requires that a reasonable attempt be made to notify parents when a child is taken into custody. The original bill required the law enforcement officer who takes the juvenile into custody to provide the notice.

The substitute removes language in the intent section pertaining to provisions in the bill that were removed by the substitute bill.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.