



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR H.B. 2309

detained juveniles; advisements; notifications

Purpose

Requires a peace officer to read the juvenile Miranda rights prior to questioning a juvenile who is taken into temporary custody. Requires a peace officer to make a good faith effort to notify the parents, guardian or custodian of the juvenile's custody and advise them of the juvenile's juvenile Miranda rights after making the custody notification.

Background

A juvenile may be taken into temporary custody: 1) by a peace officer pursuant to the laws of arrest, without a warrant, if there are reasonable grounds to believe that the juvenile has committed a delinquent act, or the child is incorrigible; 2) by a peace officer if there are reasonable grounds to believe that the child has run away from the child's parents, guardian or other custodian; or 3) by a private person as provided in statute relating to citizen's arrest.

A peace officer must take a juvenile into temporary custody pursuant to the laws of arrest, with or without a warrant, when there are reasonable grounds to believe that either: 1) the juvenile has committed a criminal act or a delinquent act which if committed by an adult could be a felony or breach of the peace; or 2) the juvenile has been apprehended in commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or in fresh pursuit ([A.R.S. § 8-303](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a peace officer, before questioning a juvenile who is taken into temporary custody, to advise the juvenile of their juvenile Miranda rights in language comprehensible to a juvenile.
2. Requires a peace officer, as soon as practicable, to make a good faith effort to notify the juvenile's parents, guardian or custodian of the juvenile's custody unless doing so would pose a risk to the juvenile.
3. Requires a peace officer, after making the custody notification, to advise the juvenile's parents, guardian or custodian of the juvenile's juvenile Miranda rights.
4. Requires a peace officer, if the juvenile is a ward of the state, to notify the Department of Child Safety, which will notify the applicable public defender, guardian ad litem or court appointed special advocate of the juvenile's custody.

5. Makes conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Specifies that a peace officer must advise the juvenile's parents, guardian or custodian of the juvenile's juvenile Miranda rights after making the custody notification.
2. Requires the Department of Child Safety, rather than the peace officer, to notify the applicable public defender, any guardian ad litem, or a court appointed special advocate of the juvenile's custody if the juvenile is a ward of the state.
3. Makes technical changes.

House Action

JUD 2/2/22 DPA 6-4-0-0
3rd Read 3/2/22 52-6-0

Senate Action

JUD 3/24/22 DPA 7-0-1

Prepared by Senate Research
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