

A bill for an act

relating to public safety; prohibiting juveniles under the age of 16 from waiving their right to counsel during custodial interrogations except if the waiver is made by the juvenile's attorney or parent; amending Minnesota Statutes 2006, section 260B.175, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 260B.175, is amended by adding a subdivision to read:

Subd. 5. **Waiver of counsel during custodial interrogation.** The right to counsel during a custodial interrogation may not be waived by a juvenile under the age of 16 unless waived:

(1) by counsel retained or appointed to represent the juvenile and the juvenile knowingly joins with the waiver;

(2) by the juvenile's custodial parent, guardian, custodian, or guardian ad litem if:

(i) that person knowingly and voluntarily waives the right;

(ii) that person has no interest adverse to the juvenile;

(iii) meaningful consultation has occurred between that person and the juvenile; and

(iv) the juvenile knowingly and voluntarily joins with the waiver; or

(3) by the juvenile, without the presence of counsel, a custodial parent, guardian, custodian, or guardian ad litem, and the waiver is knowing and voluntary.