

HOUSE BILL 794

By Sparks

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 39, relative to juvenile justice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), the person taking the child into custody shall immediately inform the child of the rights listed in this subsection (c). The following rights shall be posted where the child may read them, and the rights shall be read to the child:

(1) The right to be informed of the reason the child was taken into custody;

(2) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(3) The right to legal counsel during all stages of any proceedings including any interview or interrogation, pursuant to § 37-1-126; and

(4) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation concerning any violation of state or federal law, which cannot be waived.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

SECTION 3. Tennessee Code Annotated, Section 37-1-126, is further amended by adding the following as a new subsection:

(d) When a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), no person may interview or interrogate the child concerning any violation of state or federal law by the child unless in the presence of the child's legal counsel, parent, guardian, or custodian. A video recording shall be made of any interview or interrogation of the child. The requirements of this subsection shall not be subject to waiver by the child.

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it and shall apply to acts committed on or after that date.