

HOUSE No. 1650

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting youth during custodial interrogations.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|----------------------|------------------|
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> | <i>1/19/2023</i> |
| <i>Margaret R. Scarsdale</i> | <i>1st Middlesex</i> | <i>3/14/2023</i> |

HOUSE No. 1650

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 1650) of Jay D. Livingstone relative to protecting youth during custodial interrogations. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act protecting youth during custodial interrogations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 119 of the General Laws is hereby amended by inserting after section 66 the
2 following section:-

3 Section 66A: Juvenile Interrogations

4 (a) A juvenile’s statement made during custodial interrogation shall not be admissible as
5 evidence against the juvenile in any proceeding, unless

6 (1) the juvenile is represented by an attorney,

7 (2) the attorney is present before the reading of Miranda warnings and during the entirety
8 of any custodial interrogation that follows, and

9 (3) the entirety of the custodial interrogation, including the reading of Miranda warnings,
10 is audio and video recorded.

11 (4) the charges pending involve only misdemeanor offenses.

12 (b) The presence of an attorney during custodial interrogation may not be waived by the
13 juvenile or by any person on the juvenile's behalf.

14 (c) The requirement that the custodial interrogation be audio and video recorded may not
15 be waived by the juvenile or by any person on the juvenile's behalf.

16 (d) Recordings of custodial interrogations of juveniles are automatically discoverable and
17 shall be preserved until the criminal case is finally disposed of after appeal.

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