

# House Bill 2718

Sponsored by Representatives GORSEK, PILUSO (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires youth to consult with legal counsel in person, by telephone or by video conference prior to custodial interview with peace officer, and before waiver of constitutional rights. Sets forth exceptions.

## A BILL FOR AN ACT

1  
2 Relating to rights of youth in custodial interviews by peace officers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 419C.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Custodial interview" means an interview in which a youth is in custody and is re-**  
7 **quired to be advised of the youth's constitutional rights.**

8 (b) **"Peace officer" has the meaning given that term in ORS 133.005.**

9 (2) **Prior to a custodial interview with a peace officer, and before the waiver of any con-**  
10 **stitutional rights, a youth shall consult with legal counsel in person, by telephone or by video**  
11 **conference. The consultation may not be waived.**

12 (3) **The court shall, in adjudicating the admissibility of statements of a youth made dur-**  
13 **ing or after a custodial interview with a peace officer, consider the effect of failure to comply**  
14 **with subsection (2) of this section.**

15 (4) **This section does not apply to the admissibility of statements by a youth if both of**  
16 **the following criteria are met:**

17 (a) **The peace officer who questioned the youth reasonably believed the information the**  
18 **peace officer sought was necessary to protect life or property from a substantial threat; and**

19 (b) **The peace officer's questions were limited to those questions that were reasonably**  
20 **necessary to obtain the information described in paragraph (a) of this subsection.**

21 **SECTION 3. Section 2 of this 2017 Act applies to custodial interviews with youth occur-**  
22 **ring on or after the effective date of this 2017 Act.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.