



# Senator Steven Bradford

REPRESENTING THE 35<sup>TH</sup> DISTRICT

## SB 203 – Miranda Rights for Youth

### SUMMARY

SB 203 would require youth under the age of 18 to consult with legal counsel before they waive their constitutional rights.

### BACKGROUND

When law enforcement conducts a custodial interrogation, they are required to recite basic constitutional rights to the individual, known as Miranda rights, and secure a waiver of those rights before proceeding. A waiver of these rights must be “knowing, voluntary, and intelligent,” meaning that the person waiving their rights understands them and the effect of giving them up.

In 2017, Governor Brown signed SB 395 (Lara), which prohibits police from interrogating youth under age 16 until the youth has had a chance to talk with an attorney about their rights. This bill ensured that a child in the custody of police is not left alone, and will have an adult who cares about their welfare called before they can be interrogated. This bill will sunset in January of 2025.

### PROBLEM

Studies have demonstrated that youth often do not fully comprehend the consequences of waiving their rights. They are also much more likely than adults to waive their rights and confess to crimes they did not commit.

Our society recognizes that children are especially vulnerable in legal situations, which is why youth cannot buy alcohol and cigarettes or enter into legal contracts. Most youth can understand their rights and

what a waiver means, but what is needed to help them understand is different than what most adults need. By ensuring youth understand their rights, we ensure the outcome of interrogations are just and lawful, and create greater trust, accountability, and due process for all.

This bill would not make statements inadmissible if a youth waived without talking with an attorney first. The statement would remain potentially admissible in court, just like any statement given to the police.

### SOLUTION

SB 203 would require youth under 18 to consult with counsel prior to waiving their rights. This will preserve youth’s constitutional rights and protect the integrity of our criminal justice system.

### SUPPORT

Human Rights Watch (co-sponsor)  
Anti-Recidivism Coalition (co-sponsor)  
National Center for Youth Law (co-sponsor)  
Pacific Juvenile Defender Center (co-sponsor)

### CONTACT

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