

SENATE BILL NO. 1238

December 03, 2020, Introduced by Senator IRWIN and referred to the Committee on Judiciary and Public Safety.

A bill to establish requirements for questioning a minor in a criminal investigation; and to provide for the duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Law enforcement officer" means that term as defined in
3 section 2 of the Michigan commission on law enforcement standards
4 act, 1965 PA 203, MCL 28.602.

5 (b) "Minor" means an individual under 18 years of age who is
6 not emancipated under section 4 of 1968 PA 293, MCL 722.4.

1 (c) "Question" means any inquiry for information in a criminal
2 investigation.

3 Sec. 3. (1) A law enforcement officer shall not question a
4 minor or an individual the officer has reason to believe is a minor
5 unless the officer first obtains consent to the questioning from
6 the minor's parent or guardian.

7 (2) A law enforcement agency shall develop policies and
8 procedures to ensure compliance with subsection (1).