

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 609

By: Senator J. Scott

For An Act To Be Entitled

AN ACT CONCERNING THE CUSTODIAL INTERROGATION OF A MINOR; TO PROVIDE FOR A MINOR'S RIGHT TO CONSULT WITH HIS OR HER PARENT OR GUARDIAN BEFORE A CUSTODIAL INTERROGATION; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR A MINOR'S RIGHT TO CONSULT WITH HIS OR HER PARENT OR GUARDIAN BEFORE A CUSTODIAL INTERROGATION.

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

SECTION 1. Arkansas Code Title 16, Chapter 80, Subchapter 1, is amended to add an additional section to read as follows:

16-80-105. Right of minor to consult with parent or legal guardian – Definition.

(a) As used in this section, "minor" means a person who is under eighteen (18) years of age.

(b) A minor shall have the opportunity to consult with his or her parent or legal guardian in person, by telephone, or by video conference before:

(1) A custodial interrogation of the minor takes place; or

(2) The minor waives his or her right to:

(A) Refuse to answer questions or incriminate himself or herself; and

(B) To have an attorney:



(i) Present during a custodial interrogation; and
(ii) Appointed to represent the minor if he or she cannot afford an attorney.

(c) A minor's right to consult with a parent or legal guardian under subsection (b) of this section shall not be waived by the minor.

(d) Except as provided in subsection (e) of this section, any statements obtained from a minor in violation of this section shall be inadmissible in a delinquency or criminal proceeding unless the prosecuting attorney proves by clear and convincing evidence that the statement was made knowingly, intelligently, and voluntarily.

(e) This section does not prevent a statement of a minor obtained during a custodial interrogation of the minor from being admissible as evidence if the law enforcement officer who questions the minor:

(1) Reasonably believes that the information he or she sought is necessary to protect another person from an imminent threat to the person's life; and

(2) Limits his or her questions to those that are reasonably necessary to protect another person from an imminent threat to the person's life.