



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: JUD DP 6-4-0-0

HB2309: detained juveniles; advisements; notifications

Sponsor: Representative Jermaine, LD 18

Caucus & COW

Overview

Outlines procedure for a peace officer who takes a juvenile into temporary custody.

History

A juvenile taken into temporary custody must not be detained in a police station or jail where adults are detained. A juvenile may be taken into temporary custody following an order of the juvenile court or an issued warrant ([A.R.S. § 8-303](#)).

A juvenile may be taken into temporary custody:

- 1) By a peace officer, without a warrant, provided there is reason to believe that the juvenile has committed a delinquent act, is incorrigible or has run away from the juvenile's guardian;
- 2) By a private person when a juvenile in his presence has committed a misdemeanor amounting to a felony or when a felony has been committed and he has reasonable ground to believe that the juvenile to be taken has committed it; or
- 3) By a peace officer provided there is reason to believe that a juvenile has committed or failed to commit a criminal act which, if committed by an adult, could be a felony ([A.R.S. § 8-303](#)).

The peace officer may consider the participation of the guardian as a mitigating factor in determining if a child should be taken into custody. A juvenile may be released to a guardian or the juvenile court if the juvenile is believed to have committed or failed to commit a crime which, if committed by an adult, could be a felony. An individual is guilty of class 2 misdemeanor if they knowingly interfere with the takings of a juvenile into temporary custody ([A.R.S. § 8-303](#)).

Provisions

1. Outlines procedure for a peace officer who takes a juvenile into temporary custody:
 - a) The officer must advise the juvenile of the juvenile's legal rights in a comprehensible language to the juvenile;
 - b) The officer within 90 minutes must notify the juvenile's guardian of the juvenile's custody;
 - c) The officer must advise the juvenile's guardian of the juvenile's legal rights; and
 - d) If a juvenile is a ward of the state, the officer must notify the public defender or guardian ad litem of the juvenile's custody. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note