

REFERENCE TITLE: **detained juveniles; advisements; notifications**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2309**

Introduced by  
Representatives Jermaine: Blackman, Blackwater-Nygren, Bolding,  
Dalessandro, DeGrazia, Epstein, Liguori, Longdon, Pawlik, Powers Hannley,  
Tsosie, Senator Bowie

**AN ACT**

**AMENDING SECTION 8-303, ARIZONA REVISED STATUTES; RELATING TO JUVENILE  
OFFENDERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-303, Arizona Revised Statutes, is amended to  
3 read:

4 8-303. Taking into temporary custody; interference; release;  
5 separate custody; violation; classification

6 A. Except as provided in section 8-305, a juvenile taken into  
7 temporary custody shall not be detained in a police station, jail or  
8 lockup where adults charged with or convicted of a crime are detained.

9 B. A child shall be taken into temporary custody:

10 1. Pursuant to an order of the juvenile court.

11 2. Pursuant to a warrant issued according to the laws of arrest.

12 C. A juvenile may be taken into temporary custody:

13 1. By a peace officer pursuant to the laws of arrest, without a  
14 warrant, if there are reasonable grounds to believe that the juvenile has  
15 committed a delinquent act or the child is incorrigible.

16 2. By a peace officer if there are reasonable grounds to believe  
17 that the child has run away from the child's parents, guardian or other  
18 custodian.

19 3. By a private person as provided by section 13-3884.

20 D. A peace officer shall take a juvenile into temporary custody  
21 pursuant to the laws of arrest, with or without a warrant, when there are  
22 reasonable grounds to believe that either:

23 1. The juvenile has committed a criminal act or a delinquent act  
24 which if committed by an adult could be a felony or breach of the peace.

25 2. The juvenile has been apprehended in commission of a criminal  
26 act or a delinquent act, which if committed by an adult would be a felony,  
27 or in fresh pursuit.

28 E. A PEACE OFFICER WHO TAKES A JUVENILE INTO TEMPORARY CUSTODY  
29 SHALL IMMEDIATELY ADVISE THE JUVENILE OF THE JUVENILE'S LEGAL RIGHTS IN  
30 LANGUAGE THAT IS COMPREHENSIBLE TO A JUVENILE AND, WITHIN NINETY MINUTES  
31 AFTER BEING TAKEN INTO CUSTODY, SHALL NOTIFY THE JUVENILE'S PARENTS,  
32 GUARDIAN OR CUSTODIAN OF THE JUVENILE'S CUSTODY. THE ARRESTING PEACE  
33 OFFICER SHALL ALSO ADVISE THE JUVENILE'S PARENTS, GUARDIAN OR CUSTODIAN OF  
34 THE JUVENILE'S LEGAL RIGHTS. IF A JUVENILE IS A WARD OF THE STATE, THE  
35 ARRESTING PEACE OFFICER SHALL NOTIFY THE PUBLIC DEFENDER, ANY GUARDIAN  
36 AD LITEM OR A COURT-APPOINTED SPECIAL ADVOCATE OF THE JUVENILE'S CUSTODY.

37 ~~F.~~ F. A juvenile who is taken into temporary custody pursuant to  
38 subsection D of this section may be released from temporary custody only  
39 to the parents, guardian or custodian of the juvenile or to the juvenile  
40 court.

1           ~~F.~~ G. A person who knowingly interferes with the taking of a  
2 juvenile into temporary custody under the provisions of this section is  
3 guilty of a class 2 misdemeanor.

4           ~~G.~~ H. In determining if a child should be taken into custody under  
5 subsection C of this section, the peace officer or child safety worker may  
6 consider as a mitigating factor the participation of the parent, guardian  
7 or custodian in the healthy families program established by section 8-481.