

Senate Engrossed House Bill
detained juveniles; advisements; notifications

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

HOUSE BILL 2309

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 PURSUANT TO SUBSECTION D OF THIS SECTION SHALL ADVISE THE JUVENILE BEFORE
30 QUESTIONING OF THE JUVENILE'S JUVENILE MIRANDA RIGHTS IN LANGUAGE THAT IS
31 COMPREHENSIBLE TO A JUVENILE AND, AS SOON AS IS PRACTICABLE, SHALL MAKE A
32 GOOD FAITH EFFORT TO NOTIFY THE JUVENILE'S PARENTS, GUARDIAN OR CUSTODIAN
33 OF THE JUVENILE'S CUSTODY, UNLESS DOING SO WOULD POSE A RISK TO THE
34 JUVENILE. AFTER MAKING THE CUSTODY NOTIFICATION, A PEACE OFFICER SHALL
35 ALSO ADVISE THE JUVENILE'S PARENTS, GUARDIAN OR CUSTODIAN OF THE
36 JUVENILE'S JUVENILE MIRANDA RIGHTS. IF A JUVENILE IS A WARD OF THE STATE,
37 A PEACE OFFICER SHALL NOTIFY THE DEPARTMENT OF CHILD SAFETY, WHICH SHALL
38 NOTIFY THE APPLICABLE PUBLIC DEFENDER, ANY GUARDIAN AD LITEM OR A
39 COURT-APPOINTED SPECIAL ADVOCATE OF THE JUVENILE'S CUSTODY.

40 ~~E.~~ F. A juvenile who is taken into temporary custody pursuant to
41 subsection D of this section may be released from temporary custody only
42 to the parents, guardian or custodian of the juvenile or to the juvenile
43 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.