

Senate Engrossed House Bill

detained juveniles; advisements; notifications

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

**CHAPTER 375**

**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.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.