

**PARENTAL NOTIFICATION OF CHILD  
INTERVIEW BY LAW ENFORCEMENT**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Buttars**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Utah Code of Criminal Procedure by requiring parental notification when a child is interviewed by a peace officer.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires, subject to certain exceptions, that if a peace officer interviews a child, the peace officer shall:
  - provide the child with the officer's name and telephone number; and
  - notify a parent or guardian of the child, within 24 hours after the interview, that the interview took place;
- ▶ provides that failure by a peace officer to comply with the requirements of this bill will be documented in the peace officer's permanent personnel file; and
- ▶ provides that failure to comply with the requirements of this bill is not grounds for suppression of any evidence or statement, or for dismissing a criminal charge or juvenile petition.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



None

**Utah Code Sections Affected:**

ENACTS:

**77-7a-101**, Utah Code Annotated 1953

**77-7a-102**, Utah Code Annotated 1953

**77-7a-103**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **77-7a-101** is enacted to read:

**CHAPTER 7a. INTERVIEWS OF CHILDREN**

**77-7a-101. Title.**

This chapter is known as "Interviews of Children."

Section 2. Section **77-7a-102** is enacted to read:

**77-7a-102. Definitions.**

As used in this chapter:

(1) "Child" means a person less than 18 years of age.

(2) "Interview" means to discuss with, or question, a person regarding the unlawful conduct or potential unlawful conduct of any person, including the conduct of the person who is being questioned or who is part of the discussion.

(3) "Peace officer" is as defined in Section 53-1-102.

Section 3. Section **77-7a-103** is enacted to read:

**77-7a-103. Interview of a child by a peace officer.**

(1) Except as provided in Subsection (2), if a peace officer interviews a child, the peace officer shall:

(a) give the child a document containing the name and telephone number of the peace officer; and

(b) within 24 hours after the interview, notify a parent or guardian of the child that the peace officer interviewed the child.

(2) (a) A peace officer is not required to comply with Subsection (1)(a) if a parent or guardian of the child is present with the child during the interview with the child.

(b) A peace officer is not required to comply with Subsection (1)(b) if:

59           (i) a parent or guardian of the child is present with the child during the interview with  
60 the child;

61           (ii) the peace officer notifies a parent or guardian of the child, within 24 hours before  
62 the time of the interview, that the peace officer intends to interview the child;

63           (iii) a parent or guardian of the child contacts the peace officer within 24 hours after  
64 the interview to discuss the interview with the peace officer; or

65           (iv) the peace officer:

66           (A) makes a good faith effort to notify a parent or guardian of the child;

67           (B) is not successful in the peace officer's attempt to notify a parent or guardian of the  
68 child;

69           (C) sends a letter to the last-known address of a parent or guardian of the child, if an  
70 address can be found, notifying the parent or guardian that the peace officer interviewed the  
71 child; and

72           (D) documents the peace officer's efforts to notify a parent or guardian of the child that  
73 the peace officer interviewed the child.

74           (3) If a peace officer fails to comply with the requirements of this section, the failure  
75 shall be documented in the peace officer's permanent personnel file.

76           (4) Failure of a peace officer to comply with the requirements of this section is not  
77 grounds for:

78           (a) suppression of evidence or statements gathered during, or as a result of, the  
79 interview; or

80           (b) dismissing a criminal charge or a petition subjecting a person to the jurisdiction of  
81 the juvenile court.

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**Legislative Review Note**

**as of 1-19-07 11:35 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 157 - Parental Notification of Child Interview by Law Enforcement**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/29/2007, 10:52:16 AM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**