

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To protect minors from premature waiver of their constitutional rights during a custodial interrogation, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. CÁRDENAS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To protect minors from premature waiver of their constitutional rights during a custodial interrogation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “\_\_\_\_\_ Act  
5 of 2021”.

6 **SECTION 1. SHORT TITLE.**

7 This Act may be cited as the “Protecting Miranda  
8 Rights for Kids Act”.

1 **SEC. 2. WAIVER OF MIRANDA RIGHTS BY A MINOR.**

2 (a) IN GENERAL.—Chapter 223 of title 18, United  
3 States Code, is amended by inserting after section 3051  
4 the following:

5 **“§ 3501A. Custodial interrogation of a minor**

6 “(a) NOTIFICATION.—Any law enforcement officer  
7 who has arrested a minor for a violation of law shall notify  
8 the minor’s parent, guardian, or legal custodian that the  
9 minor has been arrested and shall provide the location of  
10 where the minor is being detained.

11 “(b) WAIVER.—A minor who is subject to a custodial  
12 interrogation may only waive the privilege against self-in-  
13 crimination or the right to assistance of legal counsel if  
14 the minor consults with legal counsel in person before such  
15 waiver.

16 “(c) EXCEPTION.—Subsection (a) shall not apply  
17 if—

18 “(1) custodial interrogation of a minor is nec-  
19 essary to gather information to protect life from an  
20 imminent threat; and

21 “(2) the questions that were asked during the  
22 custodial interrogation were reasonably necessary to  
23 obtain such information.

24 “(d) ASSIGNED COUNSEL.—

25 “(1) IN GENERAL.—A minor who is subject to  
26 a custodial interrogation shall have the right to have

1 the legal counsel assigned to the minor's case phys-  
2 ically present during such interrogation.

3 “(2) VIOLATION.—In the case of custodial in-  
4 terrogation of a minor, it shall be a violation of this  
5 subsection for the minor to be represented by any  
6 substitute counsel temporarily assigned to represent  
7 the minor.

8 “(e) INADMISSIBLE.—In any criminal prosecution  
9 brought by the United States, any statement given by a  
10 minor during a custodial interrogation that does not com-  
11 ply with this section, and any evidence derived from that  
12 statement, shall be inadmissible.

13 “(f) MINOR DEFINED.—In this section, the term  
14 ‘minor’ means an individual who has not attained 18 years  
15 of age.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 for chapter 223 of title 18, United States Code, is amend-  
18 ed by inserting after the item relating to section 3501 the  
19 following item:

“3501A. Custodial interrogation of a minor.”.