

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 715

Representatives Crossman, Upchurch

**Cosponsors: Representatives Kent, Lightbody, Miranda, Kelly, Brent, Boggs,
West, Weinstein, Brown, Russo, Sweeney, Galonski, Sheehy, Sobecki, Smith, K.,
Crawley, Boyd, Lepore-Hagan, Sykes**

A BILL

To enact section 2151.316 of the Revised Code 1
regarding the admissibility of statements made 2
by a child during a custodial interrogation. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2151.316 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2151.316. (A) As used in this section: 6

(1) "Custodial interrogation" means any interrogation 7
involving a law enforcement officer's questioning that is 8
reasonably likely to elicit incriminating responses and in which 9
a reasonable person in the subject's position would consider 10
self to be in custody, beginning when a person should have been 11
advised of the person's right against self-incrimination and 12
right to counsel, as specified by the United States supreme 13
court in Miranda v. Arizona (1966), 384 U.S. 436, and subsequent 14
decisions, and ending when the questioning has completely 15
finished. 16

(2) "Statement" means an oral, written, sign language, or 17
nonverbal communication. 18

(B) Any statement made by a child during a custodial 19
interrogation is inadmissible unless all of the following are 20
true: 21

(1) The child was advised of the child's right against 22
self-incrimination and right to counsel in language 23
understandable to the child. 24

(2) Prior to the waiver of the right against self- 25
incrimination or the right to counsel, the child consulted with 26
a competent parent, guardian, custodian, or attorney about 27
whether the child would waive the right against self- 28
incrimination or the right to counsel. 29

(3) The child's competent parent, guardian, custodian, or 30
attorney was present when the child waived the right against 31
self-incrimination or the right to counsel. 32

(4) The child's competent parent, guardian, custodian, or 33
attorney was present during the custodial interrogation. 34

(5) The law enforcement officer did not make 35
misrepresentations or false statements during the custodial 36
interrogation. 37