**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3178**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford, Robinson, Henegan and J.L. Johnson

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Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Judiciary**

Summary: Interrogation of a child

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 102](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 102](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: Henegan, J.L.Johnson

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3178_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑815 SO AS TO REQUIRE LAW ENFORCEMENT OFFICERS TO COMPLY WITH CERTAIN REQUIREMENTS BEFORE INTERROGATING A CHILD WHO HAS BEEN TAKEN INTO CUSTODY FOR VIOLATING A CRIMINAL LAW OR ORDINANCE, AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑815. (A) A child taken into custody pursuant to Section 63‑19‑810 must be advised prior to questioning:

(1) that the child has a right to remain silent;

(2) that any statement the child does make can be and may be used against the child;

(3) that the child has a right to have a parent, guardian, or custodian present during questioning; and

(4) that the child has a right to consult with an attorney and that one will be appointed for the child if the child is not represented and wants representation.

(B) No in‑custody admission or confession resulting from interrogation, or any derivative thereof, may be admitted into evidence unless the confession or admission was made in the presence of the child’s parent, guardian, custodian, or attorney. If an attorney is not present, the parent, guardian, or custodian as well as the child must be advised of the child’s rights as set forth in subsection (A); however, a parent, guardian, or custodian may not waive any right on behalf of the child.

(C) The parent, guardian, custodian, or attorney of a child taken into custody has the right, upon request, to see the child.

(D) If the child indicates in any manner and at any stage of questioning pursuant to this section that the child does not wish to be questioned further, the officer shall cease questioning.”

SECTION 2. This act takes effect upon approval by the Governor.

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