

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2016/08/18/us-california-bill-protect-youth-miranda-rights>

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Update: On August 23rd, the California state assembly passed this important bill, approving it with a vote of 50 to 28. The bill will next be heard by the state senate, where 21 votes are needed to pass. The senate is expected take up the matter this week.

(Los Angeles) The California state assembly is considering a bill that would require a consultation with a lawyer for anyone under the age of 18 before they can waive their Miranda rights and be questioned, Human Rights Watch said today. Human Rights Watch released a video about a [police interrogation of a child](#) in a murder case and the need to provide [children with extra legal protection](#) to reduce the chance of coerced confessions.

California Senate Bill 1052 (Lara), which Human Rights Watch has sponsored, would provide extra protection for children in the custody of the police. It is based on research that shows the reduced capacity of children to comprehend complex legal issues and to appreciate the consequences of their actions. The bill would in effect give children assistance so they would have parity with adults in making important decisions about waiving their rights to remain silent and speaking to the police without an attorney.

Senate Bill 1052 is designed to ensure youth in difficult situations are not alone, but have a knowledgeable adult to help them understand their basic constitutional rights, said [Elizabeth Calvin](#), senior childrens rights advocate at Human Rights Watch. The pressure to confess during an interrogation can be immense, and no child should waive their rights because they dont understand the consequences of the decision.

In recent years, the state of California has enacted a number of laws providing safeguards for youth in the [criminal justice system](#). These laws recognize widely accepted developmental and neurological evidence about youth that have shown that their capacity to grasp legal rights is less than that of an adult.

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