

STATE OF NEW YORK

8384

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the executive law and the family court act, in relation to requiring that Miranda rights statements be more specific

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 120.90 of the criminal procedure law is amended by
2 adding a new subdivision 9 to read as follows:

3 9. (a) Upon arresting a defendant, including a juvenile offender, for
4 any offense pursuant to a warrant of arrest, a police officer shall
5 inform the defendant of the following rights prior to commencing any
6 questioning or interrogation:

7 "You have the right to consult an attorney before speaking to the
8 police and to have an attorney present during questioning now or in the
9 future. If you cannot afford an attorney, one will be appointed for you
10 before any questioning if you wish. If you decide to answer questions
11 now without an attorney present, you will still have the right to stop
12 answering at any time until you talk to an attorney. Knowing and under-
13 standing your rights as I have explained them to you, are you willing to
14 answer my questions without an attorney present?"

15 (b) In the event that the defendant indicates that the defendant does
16 not understand such rights, all questioning or interrogation shall cease
17 until an attorney has been provided for the defendant and such attorney
18 is present with the defendant for the questioning or interrogation.

19 § 2. Subdivision 6 of section 140.20 of the criminal procedure law,
20 as amended by section 20 of part WWW of chapter 59 of the laws of 2017,
21 is amended and a new subdivision 9 is added to read as follows:

22 6. Upon arresting a juvenile offender or a person sixteen or commencing
23 October first, two thousand nineteen, seventeen years of age without
24 a warrant, the police officer shall immediately notify the parent or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 other person legally responsible for ~~[his or her]~~ the juvenile
2 offender's care or the person with whom ~~[he or she]~~ the juvenile offen-
3 der is domiciled, that such offender or person has been arrested, and
4 the location of the facility where ~~[he or she]~~ the juvenile offender is
5 being detained. If the officer determines that it is necessary to ques-
6 tion a juvenile offender or such person, the officer must take ~~[him or~~
7 ~~her]~~ the juvenile offender to a facility designated by the chief admin-
8 istrator of the courts as a suitable place for the questioning of chil-
9 dren or, upon the consent of a parent or other person legally responsi-
10 ble for the care of the juvenile or such person, to ~~[his or her]~~ the
11 juvenile offender's residence and there question ~~[him or her]~~ the juve-
12 nile offender for a reasonable period of time. A juvenile or such person
13 shall not be questioned pursuant to this section unless ~~[he or she]~~ the
14 juvenile offender and a person required to be notified pursuant to this
15 subdivision, if present, have been advised[+]

16 ~~(a) of the juvenile offender's or such person's right to remain~~
17 ~~silent;~~

18 ~~(b) that the statements made by him or her may be used in a court of~~
19 ~~law;~~

20 ~~(c) of his or her right to have an attorney present at such question-~~
21 ~~ing; and~~

22 ~~(d) of his or her right to have an attorney provided for him or her~~
23 ~~without charge if he or she is unable to afford counsel]~~ of the rights
24 as described in subdivision nine of this section.

25 In determining the suitability of questioning and determining the
26 reasonable period of time for questioning such a juvenile offender or
27 person, ~~[his or her]~~ the juvenile offender's age, the presence or
28 absence of ~~[his or her]~~ the juvenile offender's parents or other persons
29 legally responsible for ~~[his or her]~~ the juvenile offender's care and
30 notification pursuant to this subdivision shall be included among rele-
31 vant considerations.

32 9. (a) Upon arresting a defendant, including a juvenile offender, for
33 any offense pursuant to a warrant of arrest, a police officer shall
34 inform the defendant of the following rights prior to commencing any
35 questioning or interrogation:

36 "You have the right to consult an attorney before speaking to the
37 police and to have an attorney present during questioning now or in the
38 future. If you cannot afford an attorney, one will be appointed for you
39 before any questioning if you wish. If you decide to answer questions
40 now without an attorney present, you will still have the right to stop
41 answering at any time until you talk to an attorney. Knowing and under-
42 standing your rights as I have explained them to you, are you willing to
43 answer my questions without an attorney present?"

44 (b) In the event that the defendant indicates that the defendant does
45 not understand such rights, all questioning or interrogation shall cease
46 until an attorney has been provided for the defendant and such attorney
47 is present with the defendant for the questioning or interrogation.

48 § 3. Subdivision 5 of section 140.27 of the criminal procedure law, as
49 amended by section 23 of part WW of chapter 59 of the laws of 2017, is
50 amended and a new subdivision 6 is added to read as follows:

51 5. Upon arresting a juvenile offender or a person sixteen or commenc-
52 ing October first, two thousand nineteen, seventeen years of age without
53 a warrant, the peace officer shall immediately notify the parent or
54 other person legally responsible for ~~[his or her]~~ the juvenile
55 offender's care or the person with whom ~~[he or she]~~ the juvenile offen-
56 der is domiciled, that such offender or person has been arrested, and

the location of the facility where ~~[he or she]~~ the juvenile offender is being detained. If the officer determines that it is necessary to question a juvenile offender or such person, the officer must take ~~[him or her]~~ the juvenile offender to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of a juvenile offender or such person, to ~~[his or her]~~ the juvenile offender's residence and there question ~~[him or her]~~ the juvenile offender for a reasonable period of time. A juvenile offender or such person shall not be questioned pursuant to this section unless the juvenile offender or such person and a person required to be notified pursuant to this subdivision, if present, have been advised[÷

~~(a) of his or her right to remain silent;~~
~~(b) that the statements made by the juvenile offender or such person may be used in a court of law;~~
~~(c) of his or her right to have an attorney present at such questioning; and~~
~~(d) of his or her right to have an attorney provided for him or her without charge if he or she is unable to afford counsel]~~ of the rights as described in subdivision six of this section.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender or such person, ~~[his or her]~~ the juvenile offender's age, the presence or absence of ~~[his or her]~~ the juvenile offender's parents or other persons legally responsible for ~~[his or her]~~ the juvenile offender's care and notification pursuant to this subdivision shall be included among relevant considerations.

6. (a) Upon arresting a defendant, including a juvenile offender, for any offense, a police officer shall inform the defendant of the following rights prior to commencing any questioning or interrogation:

"You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney. Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?"

(b) In the event that the defendant indicates that the defendant does not understand such rights, all questioning or interrogation shall cease until an attorney has been provided for the defendant and such attorney is present with the defendant for the questioning or interrogation.

§ 4. Subdivision 5 of section 140.40 of the criminal procedure law, as amended by section 24 of part WWW of chapter 59 of the laws of 2017, is amended and a new subdivision 7 is added to read as follows:

5. If a police officer takes an arrested juvenile offender or a person sixteen or commencing October first, two ~~[thosuand]~~ thousand nineteen, seventeen years of age into custody, the police officer shall immediately notify the parent or other person legally responsible for ~~[his or her]~~ the juvenile offender's care or the person with whom ~~[he or she]~~ the juvenile offender is domiciled, that such offender or person has been arrested, and the location of the facility where ~~[he or she]~~ the juvenile offender is being detained. If the officer determines that it is necessary to question a juvenile offender or such person the officer must take ~~[him or her]~~ the juvenile offender to a facility designated by the chief administrator of the courts as a suitable place for the ques-

tioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile offender or such person, to ~~[his or her]~~ the juvenile offender's residence and there question ~~[him or her]~~ the juvenile offender for a reasonable period of time. A juvenile offender or such person shall not be questioned pursuant to this section unless ~~[he or she]~~ the juvenile offender and a person required to be notified pursuant to this subdivision, if present, have been advised[+]

~~(a) of his or her right to remain silent;~~
~~(b) that the statements made by the juvenile offender or such person may be used in a court of law;~~
~~(c) of his or her right to have an attorney present at such questioning; and~~
~~(d) of his or her right to have an attorney provided for him or her without charge if he or she is unable to afford counsel]~~ of the rights as described in subdivision seven of this section.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender or such person, ~~[his or her]~~ the juvenile offender's age, the presence or absence of ~~[his or her]~~ the juvenile offender's parents or other persons legally responsible for ~~[his or her]~~ the juvenile offender's care and notification pursuant to this subdivision shall be included among relevant considerations.

7. (a) Upon arresting a defendant, including a juvenile offender, for any offense, a police officer shall inform the defendant of the following rights prior to commencing any questioning or interrogation:

"You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney. Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?"

(b) In the event that the defendant indicates that the defendant does not understand such rights, all questioning or interrogation shall cease until an attorney has been provided for the defendant and such attorney is present with the defendant for the questioning or interrogation.

§ 5. Subdivision 1 of section 501-h of the executive law, as added by chapter 29 of the laws of 2011, is amended to read as follows:

1. (a) If a youth is detained under the interstate compact for juveniles established pursuant to section five hundred one-e of this article, ~~[he or she]~~ the youth shall be brought before the appropriate court within seventy-two hours or the next day the court is in session, whichever is sooner, and shall be advised by the judge of ~~[his or her right to remain silent, his or her right to be represented by counsel of his or her own choosing, and of the right to have an attorney assigned in accord with, as applicable, section two hundred forty nine of the family court act or article eighteen-B of the county law]~~ the rights set forth in paragraph (b) of this subdivision. The youth shall be allowed a reasonable time to retain counsel, contact ~~[his or her]~~ the youth's parents or other person or persons legally responsible for ~~[his or her]~~ the youth's care or an adult with whom the youth has a significant connection, and the judge may adjourn the proceedings for such purposes. Provided, however, that nothing in this section shall be deemed to require a youth to contact ~~[his or her]~~ the youth's parents or other

1 person or persons legally responsible for [~~his or her~~] the youth's care.
2 Provided further, however, that counsel shall be assigned immediately,
3 and continue to represent the youth until any retained counsel appears.
4 The court shall schedule a court appearance for the youth no later than
5 ten days after the initial court appearance, and every ten days there-
6 after, while the youth is detained pursuant to the interstate compact
7 for juveniles unless any such appearance is waived by the attorney for
8 the child.

9 (b) A youth detained under the interstate compact for juveniles shall
10 be advised by the judge of the following rights prior to commencing any
11 questioning, interrogation, plea or other court proceedings:

12 "You have the right to consult an attorney before speaking to the
13 police and to have an attorney present during questioning now or in the
14 future. If you cannot afford an attorney, one will be appointed for you
15 before any questioning if you wish. If you decide to answer questions
16 now without an attorney present, you will still have the right to stop
17 answering at any time until you talk to an attorney. Knowing and under-
18 standing your rights as I have explained them to you, are you willing to
19 answer my questions without an attorney present?"

20 § 6. Subdivision 7 of section 305.2 of the family court act, as
21 amended by chapter 398 of the laws of 1983, is amended to read as
22 follows:

23 7. A child shall not be questioned pursuant to this section unless
24 [~~he~~] the child and a person required to be notified pursuant to subdivi-
25 sion three if present, have been advised[+]

26 ~~(a) of the child's right to remain silent;~~
27 ~~(b) that the statements made by the child may be used in a court of~~
28 ~~law;~~

29 ~~(c) of the child's right to have an attorney present at such question-~~
30 ~~ing; and~~

31 ~~(d) of the child's right to have an attorney provided for him without~~
32 ~~charge if he is indigent]~~ of the rights as described in subdivision nine
33 of this section.

34 9. (a) Upon taking a child into custody, a police officer or peace
35 officer shall inform the defendant of the following rights prior to
36 commencing any questioning or interrogation:

37 "You have the right to consult an attorney before speaking to the
38 police and to have an attorney present during questioning now or in the
39 future. If you cannot afford an attorney, one will be appointed for you
40 before any questioning if you wish. If you decide to answer questions
41 now without an attorney present, you will still have the right to stop
42 answering at any time until you talk to an attorney. Knowing and under-
43 standing your rights as I have explained them to you, are you willing to
44 answer my questions without an attorney present?"

45 (b) In the event that the defendant indicates that the defendant does
46 not understand such rights, all questioning or interrogation shall cease
47 until an attorney has been provided for the defendant and such attorney
48 is present with the defendant for the questioning or interrogation.

49 § 7. Section 320.3 of the family court act, as amended by chapter 41
50 of the laws of 2010, is amended to read as follows:

51 § 320.3. Notice of rights. 1. At the time the respondent first appears
52 before the court, the respondent and [~~his or her~~] the respondent's
53 parent or other person legally responsible for [~~his or her~~] the respond-
54 ent's care shall be advised of the [~~respondent's right to remain silent~~
55 ~~and of his or her right to be represented by counsel chosen by him or~~
56 ~~her or by an attorney assigned by the court]~~ rights as described in

1 subdivision two of this section. Provided, however, that in the event of
2 the failure of the respondent's parent or other person legally responsi-
3 ble for ~~his~~ the respondent's care to appear, after reasonable and
4 substantial effort has been made to notify such parent or responsible
5 person of the commencement of the proceeding and such initial appear-
6 ance, the court shall appoint an attorney for the respondent.

7 2. The judge shall inform the defendant of the following rights prior
8 to commencing any questioning, interrogation or proceeding:

9 "You have the right to consult an attorney before speaking to the
10 police and to have an attorney present during questioning now or in the
11 future. If you cannot afford an attorney, one will be appointed for you
12 before any questioning if you wish. If you decide to answer questions
13 now without an attorney present, you will still have the right to stop
14 answering at any time until you talk to an attorney. Knowing and under-
15 standing your rights as I have explained them to you, are you willing to
16 answer my questions without an attorney present?"

17 § 8. This act shall take effect on the first of January next succeed-
18 ing the date upon which it shall have become a law; provided, however,
19 that the amendments to section 501-h of the executive law made by
20 section five of this act shall not affect the repeal of such section and
21 shall be deemed repealed therewith.