

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-247.1 of the Code of Virginia, relating to custodial interrogations; false*
3 *statements to a child prohibited; inauthentic replica documents prohibited.*

4 [H 2692]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-247.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; inadmissibility of**
9 **statement.**10 A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child
11 pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be
12 notified of his arrest and the child shall have contact with his parent, guardian, or legal custodian. The
13 notification and contact required by this subsection may be in person, electronically, by telephone, or by
14 video conference.15 B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted (i) if the
16 child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) if the child's parent,
17 guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime
18 against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's
19 parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-
20 enforcement officer conducting the custodial interrogation reasonably believes the information sought is
21 necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's
22 questions are limited to those that are reasonably necessary to obtain such information.23 C. A law-enforcement officer shall be prohibited from knowingly and intentionally making false
24 statements about any known material fact, including by use of inauthentic replica documents, prior to or
25 during a custodial interrogation of a child in order to secure the cooperation, confession, or conviction of
26 such child. As used in this subsection, "inauthentic replica documents" means any documents, including
27 computer-generated documents, created by any means, including artificial intelligence, by a law-enforcement
28 officer or his agent that (i) contain a false statement, signature, seal, letterhead, or contact information or (ii)
29 materially misrepresent any fact.30 D. Except as provided in subsection B, if a law-enforcement officer knowingly violates the provisions of
31 subsection A or C, any statements made by such child shall be inadmissible in any delinquency proceeding or
32 criminal proceeding against such child; ~~unless the attorney for the Commonwealth proves by a preponderance~~
33 ~~of the evidence that the statemet was made knowingly, intelligently, and voluntarily.~~