



NEW YORK STATE SENATOR

Michael Gianaris

## Senator Gianaris Introduces Legislation Requiring Juvenile Miranda Warning

MICHAEL GIANARIS February 18, 2016

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(Albany, NY) – Senator Michael Gianaris introduced legislation that would reform *Miranda* rights in New York State for juveniles. The bill would require police officers to provide a plain language description of *Miranda* rights to juvenile defendants under the age of 18 and receive their affirmative consent before proceeding.

“*Miranda* rights are worthless unless they are understood by the arrested individual,” said Senator Michael Gianaris. “Statistics make clear too many underage New Yorkers are waiving their Constitutional rights because they do not comprehend them.”

Recent data indicates the annual charging of more than 115,000 pre-teens with criminal offenses poses an even greater challenge to *Miranda* warning comprehension. Furthermore, over 1 million juveniles are criminally charged annually, nationwide, with only roughly 10% of juveniles found to exercise their *Miranda* rights.

In 2010, the American Bar Association (ABA) adopted a resolution, calling for this reform. The ABA notes that enactment of this legislation would benefit juvenile defendants, police and prosecutors. Currently, juvenile *Miranda* warnings vary substantially in length and often use vocabulary comprehensible only to those with a college reading level. This proposal creates a standardized, short warning using terminology understandable at an elementary school reading level.

Senator Gianaris' juvenile *Miranda* reform bill follows his most recent criminal justice legislation, calling to eliminate cash bail in New York State. He also proposed an innocence commission to review and prevent wrongful convictions.