

February 20, 1975

SPEAKER: Senator Barnett do you yield?

SENATOR BARNETT: Sure.

SENATOR KIME: What do you mean by a limited . . . admission of a limited confession? How far does that go?

SENATOR BARNETT: Well you have to refer . . . where . . . what are you talking about Senator Kime?

SENATOR KIME: I notice here on line 22, page 2.

SENATOR BARNETT: Are you on the right bill? 293?

SENATOR KIME: Yes I am.

SENATOR BARNETT: I got line 22 of 2 says "of the privilege against self-incrimination". Maybe it's somewhere else though. I don't know where. This is strictly a bill advising them of their rights and something you had to do when you were a sheriff.

SENATOR KIME: Many times when the child is picked up by the police he will give the police a complete confession of what he has done. Perhaps when he gets into court he may deny all that, although it may be true. Now how much of this will be admitted in a case? How much of this can he . . . the judge accept?

SENATOR BARNETT: Well was it a verbal confession, or was it a written?

SENATOR KIME: Yes, perhaps . . .

SENATOR BARNETT: If it was a verbal confession I think perhaps you'd be in trouble if somebody, the sheriff of taking him.

SENATOR KIME: Many times it is a written confession.

SENATOR BARNETT: Well a written confession, then I think it's a different situation. I think the court would have to decide whether it was admitted properly, whether you had advised him of his rights before he was arrested.

SENATOR KIME: Page 6 . . . line 6 on page 3 sets it out there Wally. "The court may accept in court admission by the child".

SENATOR BARNETT: OK. In other words, if we give the child all . . . let's say he's arrested, he's arraigned, he's going before the courts. If he gets before the courts before he's proven guilty or not guilty, and the child wishes to plead guilty at the time, then they take the admissions of that child in court at that time.

SENATOR KIME: Yes. If he denies this, why then . . .

SENATOR BARNETT: Then you'd have to go through the proper investigative procedures that you would in any case.

SENATOR KIME: OK. Thank you.