

need to be present during the waiver.”

- 3) Revise paragraph (b) to read: “The presumption outlined in paragraph (a)(1) may be overcome by a preponderance of the evidence showing the ability of a minor to comprehend and waive the minor's rights.”

Michelle Jeffs seconded the motion. The Committee discussed the proposal and alternatives, emphasizing the importance of simplicity and clarity for law enforcement. Some members expressed concern regarding whether the revised language would discourage law enforcement from seeking to have a parent present during questioning. Members also considered adding an Advisory Committee note, but ultimately determined it could be more confusing than helpful.

The Committee voted in favor of the motion by a vote of 8 to 3 with Ms. Moore, Ms. Diaz and Mr. Gubler voting against the motion.

Action Item:	Review the revisions to Rule 27A with the Supreme Court and seek further direction.
<ol style="list-style-type: none">1) Motion: to reinstate the numbering of paragraph (a)(1) and (a)(2), which was deleted in the prior draft;2) Replace the previously deleted language of (a)(2) with the following new language: “If the minor is 14 years of age or older, a parent, guardian, or legal custodian does not need to be present during the waiver.”3) Revise paragraph (b) to read: “The presumption outlined in paragraph (a)(1) may be overcome by a preponderance of the evidence showing the ability of a minor to comprehend and waive the minor's rights.”	By: Judge Lindsley Second: Michelle Jeffs
Approval	<input type="checkbox"/> Unanimous <input checked="" type="checkbox"/> Vote: In Favor 8: Opposed 3 (with Sophia Moore, Monica Diaz and Daniel Gubler voting in opposition).

