

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1374  
Judiciary

(Delegates Acevero and Lehman)

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Custodial Interrogation of Minors - Admissibility of Statements

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This bill establishes a rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and is inadmissible in a juvenile or criminal proceeding against the minor if the law enforcement officer intentionally used information known by the officer to be false in order to elicit the statement. The presumption may be rebutted by clear and convincing evidence that the statement was voluntary and not made in response to the false information used by the officer to elicit the statement.

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Fiscal Summary

**State Effect:** The bill is procedural in nature and does not directly impact State finances or operations.

**Local Effect:** The bill is procedural in nature and does not directly impact local finances or operations.

**Small Business Effect:** None.

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Analysis

**Current Law:** Statute does not address the admissibility of statements under the circumstances set forth in the bill. Statutory provisions do include specific requirements for when a law enforcement officer takes a child into custody. If a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action. After making every reasonable effort to give notice, the officer must with all reasonable speed (1) deliver the child to the court or a place of detention or shelter care designated by the court or (2) release the child to the

child's parents, guardian, or custodian or to any other person designated by the court, under specified circumstances. A law enforcement officer who charges a minor with a criminal offense must make a reasonable attempt to notify the parent or guardian of the minor of the charge. If an officer takes a minor into custody, the law enforcement officer or the officer's designee must make a reasonable attempt to notify the parent or guardian of the minor within 48 hours of the arrest.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Charles and Frederick counties; City of Havre de Grace; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2022  
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