

HOUSE BILL 76

E3, E2
HB 1374/22 – JUD

(PRE-FILED)

3lr0964

By: **Delegate Acevero**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Custodial Interrogation of Minors – Admissibility of Statements**

3 FOR the purpose of establishing a certain rebuttable presumption that a statement made
4 by a minor during a custodial interrogation is involuntary and is inadmissible in a
5 juvenile or criminal proceeding against the minor under certain circumstances; and
6 generally relating to the admissibility of statements made by children during
7 custodial interrogation.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–925

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 **10–925.**

17 **(A) IN THIS SECTION, “CUSTODIAL INTERROGATION” RETAINS ITS**
18 **JUDICIALLY DETERMINED MEANING.**

19 **(B) (1) THERE IS A REBUTTABLE PRESUMPTION THAT A STATEMENT**
20 **MADE BY A MINOR DURING A CUSTODIAL INTERROGATION IS INVOLUNTARY AND IS**
21 **INADMISSIBLE IN A JUVENILE OR CRIMINAL PROCEEDING AGAINST THE MINOR IF**
22 **THE LAW ENFORCEMENT OFFICER INTENTIONALLY USED INFORMATION KNOWN BY**
23 **THE OFFICER TO BE FALSE IN ORDER TO ELICIT THE STATEMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE PRESUMPTION DESCRIBED IN PARAGRAPH (1) OF THIS**
2 **SUBSECTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE**
3 **STATEMENT WAS VOLUNTARY AND NOT MADE IN RESPONSE TO THE FALSE**
4 **INFORMATION USED BY THE LAW ENFORCEMENT OFFICER TO ELICIT THE**
5 **STATEMENT.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.