

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 624
Juvenile Law – Child Interrogation Protection Act
DATE: February 5, 2020
(2/13)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 624. This bill would amend Courts and Judicial Proceedings Article (CJP) by amending § 3-8A-14, (concerning children taken into custody) and adding a new § 3-8A-14.2 concerning “custodial interrogation”. The bill also would amend Criminal Procedure (CP) Article by amending § 2-108 (concerning the notification requirements when a law enforcement officer charges a minor with a criminal offense or takes a minor into custody) and by adding a new § 2-405 concerning the custodial interrogation of a minor.

This bill also requires rather than permits the Court of Appeals to adopt certain rules concerning age-appropriate language to be used to advise a child who is taken into custody. This provision raises separation of power concerns and the Judiciary questions whether the Legislature has the authority to direct the Court of Appeals to adopt rules pursuant to Article 8 of the Maryland Declaration of Rights and Article IV, Section 18 of the Constitution.

cc. Hon. Brooke Lierman
Judicial Council
Legislative Committee
Kelley O’Connor