

February 13, 2024

Steven G. Asin
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TESTIMONY ON SB0120 - POSITION: UNFAVORABLE
Juvenile Law – Custodial Interrogation – Parental Consent

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Steven G. Asin

My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in opposition SB0120.

I am a 73-year-old attorney whose career and retirement have been devoted to providing representation to persons charged with or convicted of crimes who cannot afford to retain a lawyer to represent them, including children who have been prosecuted as adults.

SB120 targets the Child Interrogation Protection Act by allowing parents to waive their child's right to speak to a lawyer prior to custodial interrogation by law enforcement. Children who have been arrested and become the subject of custodial interrogation are more likely than others to come from homes with fractured parent-child relationships. In this circumstance, a parent's judgment regarding whether their child should be subjected to custodial interrogation may not be in the child's best interest. Even if this is not the case, the judgment of parents, even when acting in good faith and with a heartfelt concern for what is best for their child, is no substitute for the advice of counsel that that the United States Supreme Court's *Miranda* decision and its progeny held that every citizen has a right to consider before agreeing to custodial interrogation.

I respectfully urge this committee to return an UNFAVORABLE report on SB0120.