



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0326

February 13, 2024

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 326–Juvenile Law - Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm

POSITION: Oppose

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 326.

SB 326 would roll back important protections of children established by the Child Interrogation Protection Act (CIPA), passed in 2022, which requires that an attorney be present for consultation with a child prior to law enforcement questioning unless a public safety emergency necessitates immediate interrogation – in which case the questions must be limited to reasonably necessary information to protect against the imminent safety threat. This provision ensures that children are informed of their rights before being interrogated, thus providing one guard against false confessions. The current law also requires police to notify parents/guardians when a child is taken into custody – a common sense measure that gives parents necessary information to care for their children. SB 326 would instead allow law enforcement to question a child before counsel has properly informed the child of his or her rights, and without notification of parents/guardians, if the child is suspected of committing a violent crime or a crime involving a firearm and the police officer can show that a reasonable effort was made to notify a parent.

Given that a high percentage of children do not understand their Miranda rights,¹ it is crucial to safeguard the CIPA guarantee that a child will have an attorney present to provide an age and developmentally appropriate explanation of their rights prior to interrogation. Of 77 juvenile arrests made by Baltimore police in July 2023, reportedly only one child called the Maryland Office of the Public Defender's 24/7 Youth Access to Counsel Hotline.² The fact that false confessions are a particularly significant problem among juveniles raises the stakes of removing protections and interrogating children without informing them of their rights. According to the National Registry of Exonerations, 36 percent of exonerees who were under the age of 18 at the time of the alleged offense had falsely confessed – triple the estimated rate of false confessions for all ages.³ The negative

¹ <https://www.aclu-md.org/en/news/get-all-facts-childrens-due-process-rights>

² <https://www.baltimoresun.com/2024/01/16/lawmakers-seek-to-preserve-child-interrogation-protection-act-despite-criticism/>

³ [Child Interrogation Protection Act Goes into Effect Saturday | ACLU of Maryland | ACLU of Maryland exists to empower Marylanders to exercise their rights so that the law values and uplifts their humanity. \(aclu-md.org\)](https://www.aclu-md.org/en/news/child-interrogation-protection-act-goes-into-effect-saturday)

impacts of SB 326 would disproportionately affect black children, who are 32% of the population but make up 63% of referrals to the Department of Juvenile Services.⁴

With respect to the provision of SB 326 removing the requirement for law enforcement to notify a parent if a reasonable effort was made, this bill does not define what constitutes “reasonable.” For example, there is no minimum number of notification attempts required before proceeding with the questioning of the child. Nor does this legislation specify a minimum length of time required to wait for a parental response to notification attempts.

For these reasons, the BCA respectfully requests an **unfavorable** report on SB 326.

⁴ <https://www.baltimoresun.com/2024/01/16/lawmakers-seek-to-preserve-child-interrogation-protection-act-despite-criticism/>