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Executive Nominations Committee

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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The Senate Judicial Proceedings Committee

SB 326 Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime  
Involving a Firearm

Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 326 – Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm, which would provide a narrow supplement to already existing exceptions to the current juvenile interrogation law to address the juvenile crime wave that is afflicting Maryland.

The Child Interrogation Protection Act, or CIPA, has functionally eliminated the ability of law enforcement to interview juvenile suspects. In my three counties, there has **not** been a single instance of a juvenile agreeing to speak with an investigator after the CIPA-mandated attorney consultation. Cooperation from juveniles during investigations even with the most violent crimes like rape and murder has plummeted across the State, if not outright disappeared. This bill makes a modest change to current law (CIPA), a simple revision that is fully intended to increase our ability to protect both children and increase public safety in our neighborhoods and communities.

Senate Bill 326 permits law enforcement to conduct a custodial interview with a juvenile prior to their consultation with a lawyer if that juvenile wants to speak to investigators and if there is probable cause to believe the juvenile has committed a crime of violence or a crime involving a firearm. As this Committee has heard in hearings from advocates across the political spectrum, children are **not** producing firearms themselves – they are getting them on the street, where they are widely available, from their peers and **adults**.

Unfortunately, however, when a child is arrested for a firearms offense, CIPA essentially prevents law enforcement from questioning them about where they obtained the firearm. The same can be said about crimes of violence – investigations into the involvement of **older, adult suspects** in cases of significant violence are hampered by the inability of investigators to interview juveniles.

**Nothing** about this bill requires a juvenile to answer questions – juveniles can choose to remain silent, and investigators are constitutionally obligated to respect that decision. Juveniles will still be advised of their right to speak with a lawyer and their right to remain silent, and a court will later review both whether the juvenile’s decision to speak with investigators was voluntary and whether the statement they provided was voluntarily given.

Before I ask this Committee to hear from this panel, I'd like to correct two inaccuracies I've heard about CIPA. First, that the Child Interrogation Protection Act simply extends to juveniles the same constitutional protections that adults have been afforded. This is wrong. Juveniles and adults have enjoyed the same constitutional rights in the context of custodial interrogations even prior to CIPA – in fact, as the constitution requires, courts have always examined juvenile statements with greater scrutiny. What CIPA does is impose a **mandatory requirement** that a child speak with a lawyer **prior** to speaking with investigators. While this is well-intentioned, it does **not** strike the appropriate balance between due process and public safety. This bill, and others that the General Assembly will consider, like House Bill 169, which prevents lying to juveniles during custodial interrogations, strive to find a more appropriate balance.

And second, there's been discussion here and in the House Judiciary Committee about the cost of juvenile false confessions to the State. Although the science is clear that juveniles are more susceptible to coercive interrogation techniques, based on data provided by the National Registry of Exonerations, there has **not** been a single individual in Maryland exonerated after falsely confessing to a crime as a juvenile. So when the question is asked – how much have false confessions given by juveniles cost the State of Maryland – the answer is \$0. What this tells me is that the **constitutional** analysis courts in Maryland have always engaged in, which takes into consideration a juvenile's age and their individual capacity to understand what is going on, has provided **adequate safeguards**, and will continue to do so.

Let me close by bringing the necessity of this bill home by highlighting victims in my Senate district. On July 4<sup>th</sup>, 2023, a juvenile-involved shooting took place in Salisbury, Maryland, and one fourteen-year-old was murdered and seven others were severely wounded. The ability of the Wicomico County Sheriff's Office and State's Attorney Office to investigate and prosecute those involved has been **limited** by the current law, and other suspected shooters from the incident have yet to be charged, which means the **victims and the families** have **yet** to receive justice.

This legislation is a focused, narrow, common-sense approach to addressing the rise in juvenile crime by allowing juveniles with the narrow exemption to be questioned by law enforcement, with the intention of protecting children and juveniles, and increasing public safety across the State of Maryland.

Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a favorable report on Senate Bill 326. Thank you for your kind attention and consideration.