

# HOUSE BILL 1072

E3

8lr2150

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By: **Delegate Conaway**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Custodial Interrogation of Minor - Recording Restrictions**

3 FOR the purpose of prohibiting a police officer from making an electronic recording of  
4 a custodial interrogation of a minor without the consent of a parent or guardian  
5 of the minor; providing that a statement made by a minor during a custodial  
6 interrogation recorded in violation of this Act shall be presumed involuntary  
7 and is inadmissible as evidence against the minor in any criminal or juvenile  
8 proceeding; defining certain terms; providing for the application of this Act; and  
9 generally relating to custodial interrogations of minors.

10 BY adding to

11 Article - Criminal Procedure

12 Section 2-401 and 2-402 to be under the new subtitle "Subtitle 4. Custodial  
13 Interrogation of a Minor"

14 Annotated Code of Maryland

15 (2001 Volume and 2007 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Procedure**

19 **SUBTITLE 4. CUSTODIAL INTERROGATION OF A MINOR.**

20 **2-401.**

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) “CUSTODIAL INTERROGATION” MEANS AN INTERROGATION BY A**  
2 **POLICE OFFICER IN WHICH THE MINOR BEING INTERROGATED IS NOT FREE TO**  
3 **LEAVE.**

4           **(C) “ELECTRONIC RECORDING” MEANS A VIDEOTAPE OR DIGITAL**  
5 **RECORDING THAT INCLUDES BOTH AUDIO AND VISUAL REPRESENTATIONS.**

6 **2-402.**

7           **(A) A POLICE OFFICER MAY NOT MAKE AN ELECTRONIC RECORDING OF**  
8 **A CUSTODIAL INTERROGATION OF A MINOR WITHOUT THE CONSENT OF A**  
9 **PARENT OR GUARDIAN OF THE MINOR.**

10           **(B) A STATEMENT MADE BY A MINOR DURING A CUSTODIAL**  
11 **INTERROGATION RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS**  
12 **SECTION SHALL BE PRESUMED INVOLUNTARY AND IS INADMISSIBLE AS**  
13 **EVIDENCE AGAINST THE MINOR IN ANY CRIMINAL OR JUVENILE PROCEEDING.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
15 construed to apply only prospectively and may not be applied or interpreted to have  
16 any effect on or application to any statement obtained from a minor before the  
17 effective date of this Act.

18           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2008.