

HOUSE BILL 1076

E3

8lr2146

By: **Delegate Conaway**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Custodial Interrogation of Minor on School Premises -**
3 **Recording Restrictions**

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

12 BY adding to

13 Article - Criminal Procedure

14 Section 2-401 and 2-402 to be under the new subtitle "Subtitle 4. Custodial
15 Interrogation of a Minor on School Premises"

16 Annotated Code of Maryland

17 (2001 Volume and 2007 Supplement)

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

20 **Article - Criminal Procedure**

21 **SUBTITLE 4. CUSTODIAL INTERROGATION OF A MINOR ON SCHOOL PREMISES.**

22 **2-401.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

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 OR SCHOOL OFFICIAL ON SCHOOL PREMISES IN WHICH THE**
3 **MINOR BEING INTERROGATED IS NOT FREE TO 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 OR SCHOOL OFFICIAL MAY NOT MAKE AN**
8 **ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION OF A MINOR**
9 **WITHOUT THE CONSENT OF A 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.