

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1076
Judiciary

(Delegate Conaway)

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

This bill prohibits a police officer or school official from making an electronic recording of a custodial interrogation of a minor without the consent of the minor's parent or guardian. A statement made by a minor during a custodial interrogation that was recorded in violation of this prohibition is presumed involuntary and is inadmissible as evidence against the minor in any criminal or juvenile proceeding. A custodial interrogation is defined as an interrogation by a police officer or school official on school premises in which the minor is not free to leave.

The bill only applies prospectively to statements made on or after the bill's October 1, 2008 effective date.

Fiscal Summary

State Effect: None. The bill would not materially affect State operations or finances.

Local Effect: None. The bill would not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Maryland law does not require or prohibit recorded interrogations of minors. The practice varies throughout the State.

Background: Interest in recorded interrogations of minors has increased following the 2002 release of five teenagers convicted of the 1989 rape and near-murder of the “Central Park Jogger” on the basis of their nonvideotaped interrogations, but videotaped confessions. They were ordered released after another person confessed to having committed the crime, acting alone, and DNA evidence failed to link the teenagers to the attack.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Allegany County, Baltimore City, Montgomery County, Prince George’s County, Talbot County, Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2008
mll/hlb

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