

# HOUSE BILL 1007

E3  
HB 1076/08 – JUD

9lr2642

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By: **Delegate Conaway**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

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## 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 2–501 and 2–502 to be under the new subtitle “Subtitle 5. Custodial  
15 Interrogation of a Minor on School Premises”  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume)

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 5. CUSTODIAL INTERROGATION OF A MINOR ON SCHOOL PREMISES.**

22 **2–501.**

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
24 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 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 **2-502.**

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, 2009.