

HOUSE BILL 1012

E3, E2
HB 1072/08 – JUD

9lr2632

By: **Delegates Conaway and Anderson**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Custodial Interrogation of a 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; providing for the application of this Act; and generally relating to
9 custodial interrogation of a minor.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Procedure
12 Section 2–401
13 Annotated Code of Maryland
14 (2008 Replacement Volume)

15 BY adding to
16 Article – Criminal Procedure
17 Section 2–405
18 Annotated Code of Maryland
19 (2008 Replacement Volume)

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

22 **Article – Criminal Procedure**

23 2–401.

24 In this subtitle, “custodial interrogation” retains its judicially determined
25 meaning.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **2-405.**

2 (A) A POLICE OFFICER MAY NOT MAKE AN ELECTRONIC RECORDING OF
3 A CUSTODIAL INTERROGATION OF A MINOR WITHOUT THE CONSENT OF A
4 PARENT OR GUARDIAN OF THE MINOR.

5 (B) A STATEMENT MADE BY A MINOR DURING A CUSTODIAL
6 INTERROGATION RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS
7 SECTION SHALL BE PRESUMED INVOLUNTARY AND IS INADMISSIBLE AS
8 EVIDENCE AGAINST THE MINOR IN ANY CRIMINAL OR JUVENILE PROCEEDING.

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.