

HOUSE BILL 1274

E4, E3

0lr1801

By: **Delegates Johnson, Acevero, Atterbeary, Barron, Boyce, Bridges, Carr, D.M. Davis, W. Fisher, Henson, Hill, Mosby, Shetty, Smith, Terrasa, Valderrama, Wilkins, and Williams**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Questioning of Minors by Police Officers**

3 FOR the purpose of requiring a police officer to inform a minor of whether the minor is free
4 to leave before questioning the minor for any purpose; requiring a police officer
5 immediately to inform a certain minor that the minor is not free to leave under
6 certain circumstances; requiring a police officer to provide certain notice to a minor's
7 parent, legal guardian, or attorney under certain circumstances; prohibiting a police
8 officer from questioning a certain minor unless the minor's parent, legal guardian,
9 or attorney is physically present with the minor or communicating with the minor
10 through certain means under certain circumstances; providing that a statement
11 obtained in violation of this Act is not admissible in certain proceedings; and
12 generally relating to questioning of minors by police officers.

13 BY adding to

14 Article – Criminal Procedure

15 Section 2–109

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2019 Supplement)

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

20 **Article – Criminal Procedure**

21 **2–109.**

22 **(A) (1) BEFORE QUESTIONING A MINOR FOR ANY PURPOSE, A POLICE**
23 **OFFICER SHALL INFORM THE MINOR OF WHETHER THE MINOR IS FREE TO LEAVE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) WHILE QUESTIONING A MINOR, IF A POLICE OFFICER**
2 **DETERMINES THAT THE MINOR IS NO LONGER FREE TO LEAVE, THE POLICE OFFICER**
3 **SHALL IMMEDIATELY INFORM THE MINOR THAT THE MINOR IS NO LONGER FREE TO**
4 **LEAVE.**

5 **(B) IF A MINOR IS ARRESTED BY A POLICE OFFICER, THE POLICE OFFICER**
6 **SHALL NOTIFY THE MINOR'S PARENT, LEGAL GUARDIAN, OR ATTORNEY THAT THE**
7 **MINOR HAS BEEN ARRESTED.**

8 **(C) A POLICE OFFICER MAY NOT QUESTION A MINOR WHO IS UNDER ARREST**
9 **FOR THE PURPOSE OF OBTAINING INFORMATION RELATED TO CRIMINAL ACTIVITY,**
10 **OR ACTIVITY THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN ADULT,**
11 **UNLESS THE MINOR'S PARENT, LEGAL GUARDIAN, OR ATTORNEY IS:**

12 **(1) PHYSICALLY PRESENT WITH THE MINOR; OR**

13 **(2) COMMUNICATING WITH THE MINOR THROUGH LIVE, TWO-WAY**
14 **ELECTRONIC AUDIO AND VIDEO COMMUNICATION.**

15 **(D) A STATEMENT OBTAINED IN VIOLATION OF THIS SECTION IS NOT**
16 **ADMISSIBLE IN A CRIMINAL PROCEEDING OR DELINQUENCY PROCEEDING AGAINST**
17 **THE MINOR FROM WHOM THE STATEMENT WAS OBTAINED.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.