E3 4 lr 3 3 5 2**CF SB 326**

By: Delegate Metzgar

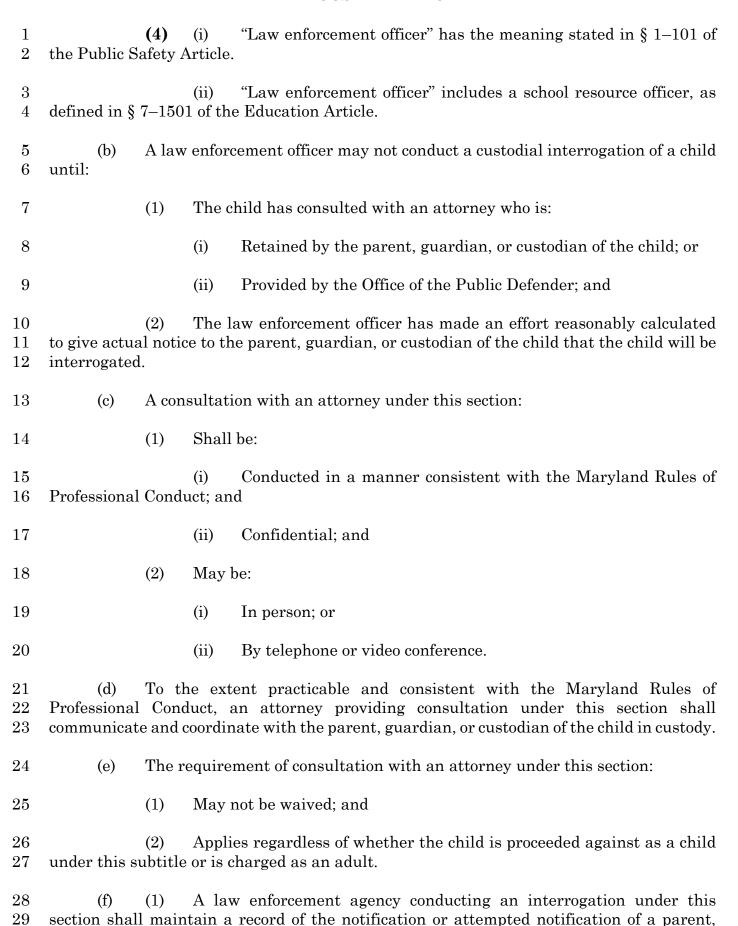
Introduced and read first time: February 8, 2024

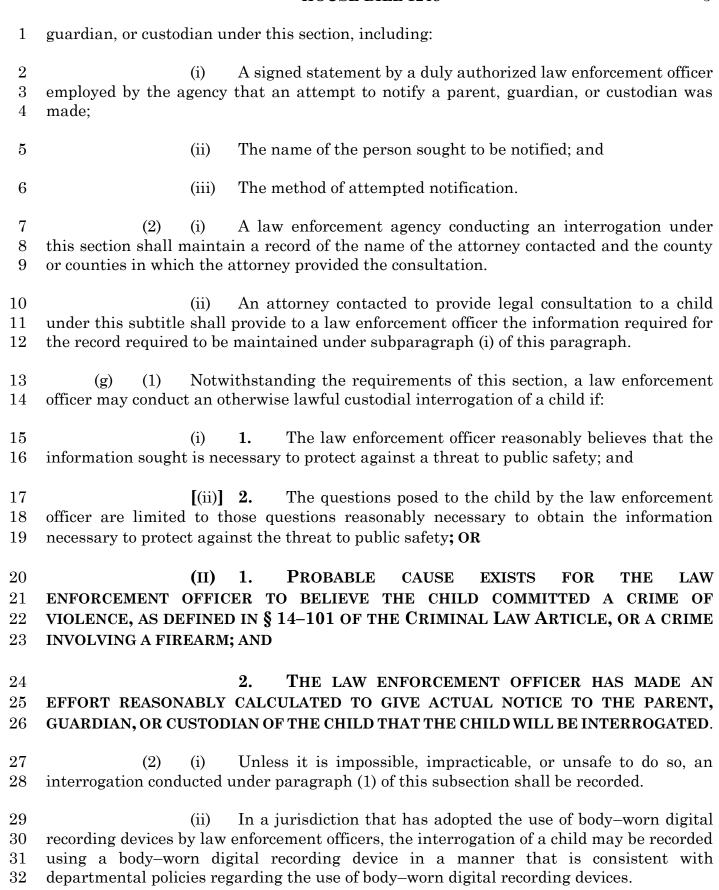
Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2 3	Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm
4 5 6 7 8 9	FOR the purpose of providing that a law enforcement officer may conduct a certain interrogation of a child if probable cause exists for the law enforcement officer to believe that the child committed a certain crime of violence or a crime involving a firearm and the law enforcement officer has made a certain effort to give a certain notice to the child's parent, guardian, or custodian; and generally relating to the interrogation of children by law enforcement.
10 11 12 13 14	BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–8A–14.2 Annotated Code of Maryland (2020 Replacement Volume and 2023 Supplement)
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That the Laws of Maryland read as follows:
17	Article - Courts and Judicial Proceedings
18	3–8A–14.2.
19	(a) (1) In this section the following words have the meanings indicated.
20	(2) "Custodial interrogation" retains its judicially determined meaning.
21 22	(3) "FIREARM" HAS THE MEANING STATED IN § 4–204 OF THE CRIMINAL LAW ARTICLE.







In a jurisdiction that has not adopted the use of body-worn

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(iii)

- digital recording devices, the interrogation of a child may be recorded using other video and audio recording technology in a manner that is consistent with any policies of the law enforcement agency regarding the use of video and audio recording technology.
- 4 (iv) A child being interrogated under this subsection shall be 5 informed if the interrogation is being recorded.
- 6 (h) (1) There is a rebuttable presumption that a statement made by a child 7 during a custodial interrogation is inadmissible in a delinquency proceeding or a criminal 8 prosecution against that child if a law enforcement officer willfully failed to comply with 9 the requirements of this section.
- 10 (2) The State may overcome the presumption by showing, by clear and 11 convincing evidence, that the statement was made knowingly, intelligently, and 12 voluntarily.
- 13 (3) This subsection may not be construed to render a statement by that child inadmissible in a proceeding against another individual.
- 15 (i) The Office of the Public Defender shall:
- 16 (1) Develop and implement policies to provide guidance and instruction to attorneys to meet the requirements of this section; and
- 18 (2) On or before October 1, 2022, publish on its website, or provide to law enforcement on request, information on attorneys available to act as counsel to a child in accordance with this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.