

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 531 (Senator Folden, *et al.*)  
Judicial Proceedings

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**Juvenile Law - Custodial Interrogation (Juvenile Justice Restoration Act of 2025)**

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This bill authorizes a law enforcement officer to conduct an otherwise lawful custodial interrogation of a child, without the child first consulting with an attorney, if the child's parent, guardian, or custodian of the child consents to the interrogation.

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**Fiscal Summary**

**State Effect:** The bill can be implemented with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill is not expected to materially affect local finances and operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** If a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

The custodial interrogation of a child by a law enforcement officer is prohibited until the child has consulted with an attorney, and the law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian that the child will be interrogated. A child's attorney consultation must be confidential and

conducted in a manner consistent with the Maryland Rules of Professional Conduct and may be conducted in person or by telephone or video conference. To the extent practicable and consistent with the Maryland Rules of Professional Conduct, an attorney providing consultation must communicate and coordinate with the parent, guardian, or custodian of the child in custody. The requirement of consultation with an attorney may not be waived and applies whether the child is proceeded against as a child or is charged as an adult.

An exception to the notice and consultation requirements specified above authorizes a law enforcement officer to conduct an otherwise lawful custodial interrogation of a child if (1) the law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety and (2) the questions posed to the child by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat of public safety. Unless impossible, impracticable, or unsafe, an interrogation conducted under such circumstances must be recorded. A child being interrogated under such circumstances must be informed if the interrogation is being recorded.

There is a rebuttable presumption that a statement made by a child during a custodial interrogation is inadmissible in a delinquency proceeding or a criminal prosecution against that child if a law enforcement officer willfully failed to comply with statutorily mandated custodial interrogation requirements. The State may overcome the presumption by showing, by clear and convincing evidence, that the statement was made knowingly, intelligently, and voluntarily. These provisions may not be construed to render a statement by that child inadmissible in a proceeding against another individual.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see HB 319 and SB 52 of 2024.

**Designated Cross File:** HB 622 (Delegate Tomlinson, *et al.*) - Judiciary.

**Information Source(s):** Baltimore, Carroll, Cecil, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2025  
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