

HOUSE BILL 449

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HB 622/25 – JUD

By: **Delegates Schmidt, Adams, Anderson, Arentz, Baker, Beauchamp, Buckel, Ciliberti, Ghrist, Griffith, Hartman, Hinebaugh, Hornberger, Howard, Hutchinson, Jacobs, Kipke, R. Long, Mangione, McComas, Metzgar, Miller, T. Morgan, Nkongolo, Pippy, Reilly, Rose, Tomlinson, and Wivell**

Introduced and read first time: January 23, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

Juvenile Justice Restoration Act

3 FOR the purpose of altering a certain provision of law authorizing a law enforcement officer
4 to conduct an otherwise lawful custodial interrogation of a child under certain
5 circumstances; and generally relating to juvenile law.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8A–14.2
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2025 Supplement)

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

Article – Courts and Judicial Proceedings

14 3–8A–14.2.

15 (a) (1) In this section the following words have the meanings indicated.
16 (2) “Custodial interrogation” retains its judicially determined meaning.

17 (3) (i) “Law enforcement officer” has the meaning stated in § 1–101 of
18 the Public Safety Article.

19 (ii) “Law enforcement officer” includes a school resource officer, as
20 defined in § 7–1501 of the Education Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3 (1) The child has consulted with an attorney who is:

4 (i) Retained by the parent, guardian, or custodian of the child; or

5 (ii) Provided by the Office of the Public Defender; and

9 (c) A consultation with an attorney under this section:

10 (1) Shall be:

13 (ii) Confidential; and

14 (2) May be:

15 (i) In person; or

16 (ii) By telephone or video conference.

17 (d) To the extent practicable and consistent with the Maryland Rules of
18 Professional Conduct, an attorney providing consultation under this section shall
19 communicate and coordinate with the parent, guardian, or custodian of the child in custody.

20 (e) The requirement of consultation with an attorney under this section;

21 (1) May not be waived; and

22 (2) Applies regardless of whether the child is proceeded against as a child
23 under this subtitle or is charged as an adult.

24 (f) (1) A law enforcement agency conducting an interrogation under this
25 section shall maintain a record of the notification or attempted notification of a parent,
26 guardian, or custodian under this section, including:

27 (i) A signed statement by a duly authorized law enforcement officer
28 employed by the agency that an attempt to notify a parent, guardian, or custodian was
29 made:

- (ii) The name of the person sought to be notified; and
- (iii) The method of attempted notification.

(ii) An attorney contacted to provide legal consultation to a child under this subtitle shall provide to a law enforcement officer the information required for the record required to be maintained under subparagraph (i) of this paragraph.

9 (g) (1) Notwithstanding the requirements of this section, a law enforcement
10 officer may conduct an otherwise lawful custodial interrogation of a child if:

11 (i) 1. The law enforcement officer reasonably believes that the
12 information sought is necessary to protect against a threat to public safety; and

16 (II) THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN
17 CONSENTS TO THE CUSTODIAL INTERROGATION OF THE CHILD WITHOUT THE
18 CHILD'S CONSULTATION WITH AN ATTORNEY.

29 (iv) A child being interrogated under this subsection shall be
30 informed if the interrogation is being recorded.

31 (h) (1) There is a rebuttable presumption that a statement made by a child
32 during a custodial interrogation is inadmissible in a delinquency proceeding or a criminal
33 prosecution against that child if a law enforcement officer willfully failed to comply with

1 the requirements of this section.

2 (2) The State may overcome the presumption by showing, by clear and
3 convincing evidence, that the statement was made knowingly, intelligently, and
4 voluntarily.

5 (3) This subsection may not be construed to render a statement by that
6 child inadmissible in a proceeding against another individual.

7 (i) The Office of the Public Defender shall:

8 (1) Develop and implement policies to provide guidance and instruction to
9 attorneys to meet the requirements of this section; and

10 (2) On or before October 1, 2022, publish on its website, or provide to law
11 enforcement on request, information on attorneys available to act as counsel to a child in
12 accordance with this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2026.