



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

January 27, 2022

SB 53

Juvenile Law – Child Interrogation Protection Act

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 53. The Catholic Conference represents the public-policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 53 would ensure that children subject to interrogation are afforded their constitutional right to counsel. This bill would require parental notification that the child will be interrogated. Lastly, this legislation seeks to ensure children are read their Miranda rights in a manner commensurate with their developmental age.

Our United States and Maryland Constitutions guarantee numerous rights to its citizens, but particularly to those involved with our systems of criminal justice. These are included but not limited to the right to be free from self-incrimination and the right to the effective assistance of counsel. Our society rightfully makes numerous efforts to protect constitutional rights, but there should be heightened scrutiny around the safeguards enumerated in this legislation. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions. Moreover, the United States Conference of Catholic Bishops has cautioned that system-involved youth should never be treated as if they are “fully formed in conscience and fully aware of their actions.” *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000),

This bill helps to protect youth who are subject to custodial interrogation from incriminating themselves through false confessions. If the State of Maryland truly values the rights and protections afforded by our Constitution, we owe it to youth subject to custodial interrogation to see that the rights afforded by the document are upheld. Constitutional rights can be rendered practically irrelevant if state actors do not take steps to ensure they are protected. It is for these reasons that we urge a favorable report on Senate Bill 53.