

CHARLES E. SYDNOR III, ESQ.  
Legislative District 44  
Baltimore County



James Senate Office Building  
11 Bladen Street, Room 216  
Annapolis, Maryland 21401  
410-841-3612 · 301-858-3612  
800-492-7122 Ext. 3612  
Charles.Sydnor@senate.state.md.us

Judicial Proceedings Committee

Executive Nominations Committee

*Joint Committees*

Administrative, Executive, and  
Legislative Review

Children, Youth, and Families

*Senate Chair*  
Legislative Ethics

*Chair*  
Baltimore County Senate Delegation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 22  
Criminal Procedure – Custodial Interrogation – Codification  
Before the Judicial Proceedings Committee  
On February 2, 2023**

Good afternoon Chair Smith, members of the Judicial Proceedings Committee,

Senate Bill 22 is intended to address changes to Miranda rights resulting from the U.S. Supreme Court’s decision in *Vega v. Tekoh*. *Miranda*, decided in 1966, found that self-incrimination, as protected by the Fifth Amendment of the Constitution, was only safe-guarded in instances of custodial interrogation when people were “warned prior to any questioning that they have the right to remain silent, that anything they say can be used against them in a court of law, that they have the right to an attorney, and if they cannot afford an attorney one will be appointed for them prior to any questioning.”<sup>1</sup> These warnings gave people the opportunity to stay silent and avoid self-incrimination.

In *Vega v. Tekoh*, the U.S. Supreme Court found that the right noted in *Miranda v. Arizona*, was not a constitutional right, but rather merely a “prophylactic rule”. In *Vega*, during an investigation Terence Tekoh made a confession while being interrogated by Deputy Carlos Vega. He was not informed of his Miranda rights prior to putting his statement in writing, which later became admissible and used against him. After two trials, an appeal up to the 9<sup>th</sup> circuit and eventually a grant of certiorari from the Supreme Court, it was decided that the *Miranda* warning not given prior to custodial interrogation did not impinge constitutional rights of self-incrimination, and that a person cannot bring suit as such. The decision in *Vega* reinterpreted what most of us believe we knew about the issuance of Miranda rights and its importance in informing subjects in custody of their rights, by reducing it to a preventative rule and not a constitutional right.

Senate Bill 22 proposes modifying section 2-401 in the Criminal Procedure Code, that currently allows the Judiciary to decide what is a “custodial interrogation.” Senate Bill 22 takes this power back and seeks to allow the legislature, through this bill, to define custodial interrogation.

---

<sup>1</sup> [Facts and Case Summary - Miranda v. Arizona | United States Courts \(uscourts.gov\)](https://www.uscourts.gov/press-release/2019/06/19/facts-and-case-summary-miranda-v-arizona)

Additionally, SB 22 includes a new section 2-401.1, which outlines the mandatory advisement of certain information during custodial interrogation that is necessary to make admissible a statement.

By defining what custodial interrogation is and codifying *Miranda* rights, which have been ingrained ad nauseum in American culture, Senate Bill 22 attempts to reset criminal procedure pre-*Vega*. With SB 22 we can assure the people of Maryland that the rights they have grown to know are there to safeguard them still. I urge the committee to vote in favor of SB 22 for the people of Maryland.