



MARYLAND  
CATHOLIC  
CONFERENCE

January 26, 2023

**HB 76**  
**Custodial Interrogation of Minors – Admissibility of Statements**  
**House Judiciary Committee**

**Position: SUPPORT**

The Maryland Catholic Conference offers this testimony in SUPPORT of House Bill 76. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state’s second largest social service provider network, behind only our state government.

House Bill 76 would ensure that system-involved youth who are subject to interrogation are protected from *knowingly false statements* made by authorities. The statement must be a.) known to be false by law enforcement and b.) intentionally used. If it is deemed by the court to meet these criteria, statements made by youth subject to interrogation may be excluded unless law enforcement show clear and convincing evidence that the statement was voluntary and not made in response to the false information provided by authorities.

House Bill 76 builds upon the Youth Interrogation Protection Act passed by the General Assembly in 2022. That law ensures youth a right to counsel, requires parents to be notified that their child will be interrogated and ensures that children are read their Miranda rights in a manner commensurate with their developmental age. One of the end-goals of that legislation was to protect against unjustified and unfair false confessions. This bill is an additional reasonable protection to ensure constitutional rights are upheld.

Our United States and Maryland Constitutions guarantee numerous rights to its citizens. These are included but not limited to the right to be free from self-incrimination. That concern should be heightened when applied to system-involved youth. The United States Conference of Catholic Bishops has specifically cautioned that youth involved with the criminal justice system 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) In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court agreed, specifically noting that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions.

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. We request a favorable report on House Bill 76.