

Bill Number: HB 76

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 76
CUSTODIAL INTERROGATIONS OF MINORS – ADMISSIBILITY OF STATEMENTS

I write in opposition to House Bill 76 Admissibility of Statements of Minors during Custodial Interrogations. The Bill proposes to create a rebuttable presumption that a statement made by a minor during a custodial interrogation is inadmissible if an officer used false information to elicit the statement.

The admissibility of statements of those in custody has been governed for decades by the Supreme Court ruling in Miranda v Arizona. These rules have for decades been governed by case law. Last year, Maryland broke with this tradition when it passed Senate Bill 53. Senate Bill 53 now the law and codified at Courts and Judicial Proceedings Article 3-8A-14. That statute requires the police when a juvenile is in custody to:

- Notify the child's parent, guardian, or custodian;
- Include child's location;
- Reason for custody;
- Instruct on how to contact child and
- May not conduct a custodial interrogation until the child has consulted with an attorney.

This law just went into effect October 1, 2022.

Last year's Senate Bill 53 provided many protections for juvenile defendants that had not existed for decades. The requirements of the contact with parents and consultation with an attorney supply more than enough protections making House Bill 76 unnecessary.

I urge an unfavorable report.