

MAJR_SUP_SB512_25RS.pdf

Uploaded by: Bill Carlson

Position: FAV

SUPPORT SB 512 Custodial Interrogation of Minors - Admissibility of Statements

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Sen. Will Smith and Judicial Proceedings Committee Members
From: Jenny Zito and Bill Carlson, MAJR Executive Committee

February 7, 2025

The Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly supports SB 512 Custodial Interrogation of Minors - Admissibility of Statements.

Interrogation procedures in most states allow the interrogators to lie to suspects, and this practice can include false statements that someone else has implicated the suspect or that there was DNA evidence at the crime scene. The practice of deception has been shown to be a frequent contributing factor to the false confessions of juveniles that have later been exonerated because of DNA evidence or the confession of the actual perpetrator. One study reports the rate of false confessions by juveniles to be three times higher than the rate for adults; according to an NIH publication, 94% of confession experts recognize youth as a risk factor for false confessions, although lay people do not. See Youth as a Risk Factor for False Confession, NIH Library of Medicine, 6/16/2020.

A famous case in New York state in 1989 was the false confessions of five black juveniles, now known as the Exonerated Five and previously known as the Central Park Five, under deceptive interrogation practices. Thirteen years later a known rapist confessed to the crime and his DNA was found to match the DNA of the rape kit sample. California, Connecticut, Delaware, Illinois, Indiana, Oregon, and Utah have all enacted laws prohibiting police from using deceptive interrogation tactics on minors. It is time for Maryland to join these states by passing HB 0165. Links to the bills from states and a synopsis of their effects can be found at <https://ma4jr/Juvenile-Interrogation>.

SB 512 is an excellent enhancement to the 2022 Child Interrogation Protection Act (CIPA), which MAJR supported. We support the provision in SB 512 that make minor's statements inadmissible if interrogators were intentionally deceptive and the provision under which statements can be used if shown by clear and convincing evidence that they were actually voluntary.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give SB 512 a favorable report.

SB0512 Custodial Interrogation of Minors Admissibi

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0512

Custodial Interrogation of Minors Admissibility of Statements

Bill Sponsor: Senator Henson

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0512 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

HB0165 is an essential additional Miranda right for children. It unequivocally prevents a child's responses to false information—lies—used by police during interrogation from appearing in court. The primary goal of HB0165 is to protect minors from coercive interrogation tactics. Any statements made by children under such circumstances cannot be used against them in court unless it can be clearly proven that the statement was made voluntarily and not in response to false information.

This law is a cornerstone in protecting Maryland children, plain and simple. Children have an innate trust in authorities, and a presumption of truth is easily given. Without this law, interrogators could exploit this tendency by using lies to achieve a predetermined outcome.

HB0165 places children on a more equal footing with adults during interrogation. We must ensure that children have the same rights and privileges as adults and safeguard them from intimidation that could compromise their futures.

The Maryland Legislative Coalition supports this bill and we recommend a FAVORABLE report in Committee.

SB512- Maryland Legal Aid - FAV 250207 FINAL.pdf

Uploaded by: Erica LeMon

Position: FAV



SB512 - Custodial Interrogation of Minors - Admissibility of Statements

February 7, 2025

Senate Judicial Proceedings

Position: FAVORABLE

Maryland Legal Aid (MLA) submits written and oral testimony on SB512.

MLA urges the Committee's favorable report on SB512. MLA serves residents in each of Maryland's 24 jurisdictions providing free legal services to the State's low-income and vulnerable residents in a range of civil legal matters. MLA is Maryland's largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State.

SB512 seeks to establish a rebuttable presumption that a minor's statement during a custodial interrogation is involuntary and inadmissible in a juvenile or criminal proceeding against the minor, if the law enforcement officer intentionally used information known by the officer to be false to elicit the statement under certain circumstances.

There is an inherent power imbalance when police interrogate children, and the potential for false confessions leads to a miscarriage of justice. Children are still developing emotionally, cognitively, and psychologically, making them particularly vulnerable. MLA's CINA clients in particular have been abused and neglected and may have mental and emotional disabilities. Lying to children during interrogations can manipulate them and coerce a confession, even if they are innocent. Children may not fully comprehend that these interrogation tactics are designed to elicit confessions and not meant to help them.

Furthermore, children are more susceptible to stress, anxiety, and pressure in police interrogations and may lie to end the interrogation and escape the perceived immediate threat. Studies have shown that children are more likely to be influenced by deceptive tactics like false evidence or threats, as they often trust authority figures like the police.¹ Additionally, there is racial inequity inherent in false confessions, as Black suspects are overrepresented in the

¹ Megan Crane, Laura Nirider, & Steven A. Drizin, *The Truth About Juvenile False Confessions*, INSIGHTS ON L. & SOC'Y, Winter 2016; Brian R. Gallini, *Police "Science" in the Interrogation Room: Seventy Years of Pseudo-Psychological Interrogation Methods to Obtain Inadmissible Confessions*, 61 HASTINGS L.J. 529 (2010); "In a survey of confession experts, 94% agreed that youth is a risk factor for false confession, but only 37% felt that jurors understand this." *Do laypeople recognize youth as a risk factor for false confession? A test of the 'common sense' hypothesis*. Psychiatry Psychological Law. 2020 Jun 16;28(2):185–205. doi: 10.1080/13218719.2020.1767717
<https://pmc.ncbi.nlm.nih.gov/articles/PMC8547885/>.

samples of false confessors compared to White suspects..² Allowing lies in interrogation could lead to wrongful convictions of children, thereby harming them.

Lying to children in interrogations undermines the integrity of the justice system and goes against principles of fairness and justice. Police should engage in practices that facilitate the preservation of accuracy in confessions and safeguard the child's well-being.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 512 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemon@mdlab.org (410) 951-7648 or (410) 935-0937.

² "One possible explanation is that innocent Black suspects experience stereotype threat in interrogations and that this threat causes Black suspects to experience more arousal, self-regulatory efforts, and cognitive load compared to White suspects. These psychological mechanisms could lead innocent Black suspects to display more nonverbal behaviors associated with deception and, ironically, increase the likelihood that police investigators perceive them as guilty. In response, investigators might engage in more coercive tactics and exert more pressure to confess on Black suspects than White suspects. This could increase the need to escape interrogation and the likelihood of doing so by confessing falsely more for Blacks than for Whites." Najdowski, Cynthia, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects are at Risk for Confessing Falsely* (2011). Psychology, Public Policy, and Law, 2011, Vol. 17, No. 4, 562–591, Available at SSRN: <https://ssrn.com/abstract=3198878>
Last revised: 29 Jan 2025.

BILL_ SB 512- Custodial Interrogation of Minors -

Uploaded by: Evelyn Walker

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 512- Custodial Interrogation of Minors - Admissibility of Statements

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 5, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 512.

Senate Bill 512 would create the rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and inadmissible when the law enforcement officer intentionally used false information to elicit the statement. This presumption is essential to protect the due process rights of children and prevent wrongful convictions that result from false confessions.

The Supreme Court has long recognized that police interrogation tactics “can induce a frighteningly high percentage of people to confess to crimes that they never committed.”¹ The risk of false confessions is multiplied when a child is the subject of an interrogation: children are much more likely than adults to falsely confess,² and children account for more than one-third of all false confessions.³ Further, *In re Gault* the Supreme Court cautioned against the inevitable risk of obtaining a false confession from a child in noting that “*authoritative opinion has cast formidable doubt upon the reliability and trustworthiness of confessions by children.*”

Deceptive tactics during the interrogation of a juvenile make it more likely that a child will falsely confess. When police deceive a suspect during questioning, the interrogation is more likely to result in a false confession.⁴ When law enforcement officials falsify evidence against a suspect, even innocent people can “feel trapped by the inevitability of the evidence against

¹ *Corley v. United States*, 556 U.S. 303, 320-21 (2009).

² See American Bar Association Insights on Law & Society 16.2 available at https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf (“Another study of 340 exonerations found that 42% of juveniles studied had falsely confessed, compared with only 13% of adults.”).

³ National Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confess (April 10, 2022).

⁴ Saul M. Kassir et al., Police-induced confessions: Risk factors and recommendations., 34 Law and Human Behavior 3–38 (2010), <http://doi.apa.org/getdoi.cfm?doi=10.1007/s10979-009-9188-6> (last visited Feb 23, 2022).



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PUBLIC DEFENDER

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CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLARD
DIRECTOR OF GOVERNMENT RELATIONS

them,” causing them to confess to crimes that they did not commit.⁵ Youth are even more susceptible to these tactics due to their tendency to comply with demands of authority figures and because the parts of their brain that assist with judgment, decision making, and future planning are not fully developed.⁶

The indisputable and fundamental differences between children and adults justify treating children differently than we do adults. The use of deceptive interrogation practices must be discouraged to protect the due process rights of children and ensure the integrity of both the criminal and juvenile legal systems.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 512

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Evelyn Walker Assistant Public Defender, evelyn.walker@maryland.gov

⁵ Id.

⁶ Steinberg, L. (2007). Risk Taking in Adolescence: New Perspectives From Brain and Behavioral Science. *Current Directions in Psychological Science*, 16(2), 55-59. <https://doi.org/10.1111/j.1467-8721.2007.00475.x>

sb 512 juv acevero.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



**TESTIMONY IN SUPPORT OF SB0512:
CUSTODIAL INTERROGATION OF MINORS—ADMISSIBILITY
OF STATEMENTS
FAVORABLE**

TO: Senator William C. Smith, Jr., Chair, Senator Jeff Waldstreicher, Vice Chair
and the members of the Senate Judicial Proceedings Committee

FROM: Rev. Linda K. Boyd, Co-Chair, Maryland Episcopal Public Policy
Network, Diocese of Maryland

DATE: February 7, 2025

Decades ago, Maryland joined a “tough-on-crime” movement that treats many minors as adults and increases their penalties. These policies have led to large youth prison populations that disproportionately impact poor children and children of color. Police who interrogate youth currently are permitted to lie to them, seeking to induce confessions. Children are impressionable and are not aware of their rights. They thus may make statements just to please the authority figure. This immoral practice leads to false convictions of juveniles at a rate three times higher than adults, according to one study. Such unreliable statements and confessions should be inadmissible in court.

This bill would establish a rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and is inadmissible in a juvenile or criminal proceeding against the minor under certain circumstances. We as people of faith, believe that all children are God’s children, deserving of equal dignity and respect, and our love. They need to have the protection that this Bill provides.

We respectfully request a favorable report.

SB512 sponsor testimony.pdf

Uploaded by: Linda Hanifin Bonner

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY

**Senate Bill 512
Custodial Interrogation of Minors - Admissibility of Statements**

Chairperson and Members of the Committee,

I am writing in strong support of Senate Bill 512, which seeks to prohibit law enforcement officers from using deceptive interrogation tactics on minors. This bill is a necessary and overdue reform to protect youth from coerced and false confessions, ensuring that our justice system prioritizes truth and fairness over unreliable and coercive practices.

Currently, Maryland law allows police officers to use deception during interrogations, including falsely claiming to have evidence or that another person has implicated the suspect. The Maryland Court of Appeals has upheld this practice, stating, “[W]e permit the police to ... use some amount of deception in an effort to obtain a suspect's confession.” (Winder v. State, 362 Md. 275, 305 (2001)). However, research consistently shows that children and adolescents are uniquely vulnerable to these tactics, leading to wrongful convictions.

According to the National Registry of Exonerations, 36% of wrongfully convicted children falsely confessed, a rate significantly higher than that of adults. For younger children, the numbers are even more alarming—57% of exonerated 14- and 15-year-olds falsely confessed, as did 86% of those under 14. Additionally, a study published by the NIH found that juveniles are three times more likely than adults to falsely confess, and 94% of confession experts recognize youth as a major risk factor for false confessions.

Deceptive interrogations have had devastating real-world consequences. A tragic example is the case of the Exonerated Five (formerly the Central Park Five), where five Black teenagers were coerced into falsely confessing under deceptive interrogation tactics. They spent years in prison before DNA evidence and the confession of the actual perpetrator proved their innocence.

Recognizing this injustice, California, Connecticut, Delaware, Illinois, Indiana, Oregon, and Utah have all passed laws banning deceptive interrogations of minors. Maryland must join these states in protecting its youth by passing SB512. This bill is not an anti-police

measure—it is a pro-justice measure that ensures interrogations lead to reliable evidence rather than wrongful convictions.

I urge you to vote in favor of SB512 to protect Maryland's youth and strengthen the integrity of our justice system.

Sincerely,

A handwritten signature in black ink, appearing to read 'SHANEKA HENSON', with a long horizontal stroke extending to the right.

Shaneka Henson
Senator, District 30

YEJ Clinic SB 512 Favorable.pdf

Uploaded by: Mya Jeter

Position: FAV

Testimony in *Support* of Senate Bill 512 (Favorable)
Custodial Interrogation of Minors – Admissibility of Statements

To: Senator William C. Smith, Jr., Chair, and Members of the Judicial Proceedings Committee

From: Mya Jeter, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 7, 2025

I am a student attorney in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, and other means, as well as individuals who are serving life sentences for crimes they committed when they were children or young adults. I write in support of Senate Bill 512, which seeks to establish a rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and inadmissible against them in a youth or criminal proceeding if the law enforcement officer intentionally used false information to elicit the minor’s statement.

SB 512 is an extension of the Child Interrogation Protection Act (“CIPA”).¹ CIPA recognizes that children in custodial settings are especially vulnerable and protects them against undue pressure that leads to involuntary statements. SB 512 recognizes that children are particularly susceptible to intentional law enforcement deception, furthering the risk of involuntary statements used against them in youth and criminal proceedings.

Children are more likely than adults to confess to crimes that they did not commit.² Prominent examples of cases in which children were wrongly convicted after providing false statements to law enforcement as a result of deception or coercion include the now Exonerated Five, and Harlem Park Three.³ Among other things, the power imbalance between interrogating officers and children and the inherent pressure of these moments contribute to involuntary statements. Indeed, even without officers intentionally using false information, studies show that

¹ The Child Interrogation Protection Act is codified in MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-14.2.

² E.g., NEYDIN MILIAN, ACLU OF MARYLAND, GET ALL THE FACTS ON CHILDREN’S DUE PROCESS RIGHTS DEFEND THE CHILDHOOD INTERROGATION PROTECTION AND JUVENILE JUSTICE REFORM ACTS, Feb. 8, 2024, <https://www.aclu-md.org/en/news/get-all-facts-childrens-due-process-rights>;

³ Aisha Harris, *The Central Park Five: We Were Just Baby Boys*, N.Y. TIMES, May 30, 2019, <https://www.nytimes.com/2019/05/30/arts/television/when-they-see-us.html>; David M. Reutter, *\$56.7 Million Awarded to “Harlem Park Three,” Exonerated of Baltimore Murder After 36 Years in Prison*, PRISON LEGAL NEWS, July 1, 2024, <https://www.prisonlegalnews.org/news/2024/jul/1/567-million-awarded-harlem-park-three-exonerated-baltimore-murder-after-36-years-prison/>

children do not fully understand the *Miranda* warnings.⁴ Because their brains are still developing, children are unable to fully grasp the ramifications of providing statements to law enforcement.⁵

Given the brain science, the inherent pressure of a custodial setting, and the heightened pressure of a custodial setting for a child, in no circumstance should law enforcement officers be permitted to intentionally use false information during a custodial interrogation of a child. History is replete with examples of children folding under pressure and confessing falsely. In this light, SB 512 is a modest, yet vitally important, intervention. It merely creates a presumption of inadmissibility for a child's statement made in a custodial interrogation setting after an officer has intentionally used false information to elicit the statement. It then places the burden on the State to rebut the presumption by clear and convincing evidence that the statement was voluntary. SB 512 removes the responsibility from the child to overcome the burden of showing that their testimony was due to police deception.

SB 512, if enacted, would be an important step forward. For the reasons set forth above, the Clinic asks for a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

⁴ See Kevin Lapp, *Taking Back Juvenile Confessions*, 64 U.C.L.A. L. REV. 902, 914 (2017) ("Overwhelming empirical evidence shows that [children] do not understand their constitutional privilege against self-incrimination, or the consequence of waiving their rights."); Bary C. Feld, *Police Interrogation of Juveniles: An Empirical Study of Policy and Practice*, 97 J. CRIM. L. & CRIMINOLOGY 219, 228 (2006) ("Because many [children] do not understand the *Miranda* warning, they cannot exercise their rights as effectively as adults, who better understand the warning.").

⁵ See, e.g., NIGEL QUIROZ, INNOCENCE PROJECT, FIVE FACTS ABOUT POLICE DECEPTION AND YOUTH YOU SHOULD KNOW (May 13, 2022) ("Young people are especially vulnerable to falsely confessing under the pressure of deception because the parts of the brain that are responsible for future planning, judgement, and decision-making are not fully developed until a person reaches their mid-twenties"), <https://innocenceproject.org/police-deception-lying-interrogations-youth-teenagers/#:~:text=But%20why%20would%20police%20lie,as%20the%20Central%20Park%20Five>). See generally, Megan Crane et al., *The Truth About Juvenile False Confessions*, 16 INSIGHTS ON L. & SOC'Y (Winter 2016) https://www.prisonpolicy.org/scans/aba/juvenile_confessions.pdf.

SUPPORT SB 512 - custodial interrogation of childr

Uploaded by: Philip Caroom

Position: FAV

SUPPORT SB 512 – Custodial Interrogation of Minors - Admissibility

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Will Smithg and Judicial Proceedings Committee members February 6, 2025
From: Phil Caroom, MAJR executive committee

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly supports SB 512 to prevent unintended mishandling of children's prosecutions during custodial interrogations.

Current Maryland statutes provide that reasonable efforts should be made to notify a parent of the child's arrest and that the child should have an attorney's advice— unless the officer decides there is a need related to “public safety” that requires a quicker interrogation. See Md. Code, Courts & Jud.Proc.Art., sec. 3 - 8A - 14.2.

With or without an attorney being present, current case still permits a police officer to use deception, perhaps misrepresenting the status of evidence in police possession. For example, Maryland's highest court has stated, “[W]e permit the police to ... use some amount of deception in an effort to obtain a suspect's confession.” Winder v. State, 362 Md. 275, 305 (2001)-emphasis added.

However, several studies, publicized by the American Psychological Association, have shown that police can induce juvenile suspects to give false confessions at a rate approximately three times higher than adult suspects, as reported by the American Psychological Association. See <https://www.apa.org/pi/families/resources/newsletter/2014/12/adolescent-false-confessions>

Other states such as Illinois, Oregon and Utah have already adopted laws to bar such dangerous tactics by police interrogators of juveniles. More states actively considering such bills include Ohio, Colorado, and New York.

For all these reasons, Maryland Alliance for Justice Reform urges that the Committee pass SB 512 so that police officers' use of deception that will not serve induce false confessions and lead to unjust convictions.

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PLEASE NOTE:

This testimony is offered for Maryland Alliance for Justice Reform and not for the Md. Judiciary.

MCPA-MSA SB 512 Custodial Interrogation of Minors

Uploaded by: Andrea Mansfield

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair
and Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 7, 2025

RE: **SB 512 Custodial Interrogation of Minors – Admissibility of Statements**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 512**. This bill presumes that a statement made by a minor is involuntary and should be deemed inadmissible if the interrogating officer used false information to obtain the statement.

MPCA-MSA agree whole heartedly that “false confessions” should be avoided. We would also like to note that false confessions are an extremely rare occurrence, and false confessions that contribute to the prosecution of innocent people are even more rare. No police officer or prosecutor ever wants to prosecute or charge an individual based on a false confession, primarily because it would be a clear obstruction of justice. Furthermore, voluntary and truthful statements are good for society and that is a belief the MPCA-MSA unreservedly stand by.

Moreover, in 2025 custodial interrogations of juveniles are preceded by a consultation with an attorney. Properly conducted custodial interrogations are intended to determine the truth. Subsequently, how a person responds to new information is an important tool in determining the truthfulness of a statement provided to law enforcement. The custodial interrogations of juveniles are also audio and video recorded, allowing prosecutors, defense counsel, judges, and (if an adult offense) juries to make their own assessment of the interrogation. In Maryland we no longer rely on the word of the officer or the juvenile, but instead on the audio and video documentation. Ultimately, any statement given must be determined by a court to be *voluntary*, and we should trust our judges and juries to be able to make that determination.

MPCA and MSA have confidence in the judiciary's ability to determine the voluntariness of statements. MCPA and MSA would give serious consideration to amendments to SB 512 that would remove the presumption of inadmissibility and affirm the principle that a fact-finder (judge or jury) must conclude that a statement is voluntary before considering it.

For these reasons, MCPA and MSA **OPPOSE SB 512** and urge an **UNFAVORABLE** committee report.

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SB 512 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 5, 2025

BILL NUMBER: SB 512

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes Senate Bill 512 and urges this Committee to issue an unfavorable report.

The Child Interrogation Protection Act, enacted in 2022, requires juveniles to speak with an attorney before participating in a custodial interrogation, and has functionally eliminated the ability of investigators to speak with juvenile suspects. Many jurisdictions across Maryland have not had even one juvenile agree to speak to investigators after the required consultation with an attorney. As a result, the prohibition on investigators knowingly using false information to elicit statements from juveniles during custodial interrogations contained in SB 512 would have no effect, as there are no juveniles speaking to investigators currently.

Should the General Assembly consider revisions to the Child Interrogation Protection Act – including legislation like Senate Bill 531 – perhaps the guardrails provided by SB 512 would serve a purpose, but right now, bills like SB 512 represent a solution in search of a problem. MSAA welcomes a dialogue with lawmakers and community stakeholders on better ways to balance public safety and due process in this context.

SB 512 - Custodial Interrogation of Minors - Admis

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: SB 512

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 SENATE BILL 512
CUSTODIAL INTERROGATION OF MINORS – ADMISSIBILITY OF STATEMENTS

I write in opposition to Senate Bill 512 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. Two years ago, 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.

Previous 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 Senate Bill 512 unnecessary.

I urge an unfavorable report.

sb512.pdf

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
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SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 512
Custodial Interrogation of Minors – Admissibility of Statements
DATE: January 25, 2025
(2/7)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

While the Judiciary takes no position on the bill, it is important to note that there are currently laws establishing protections for children who are questioned by law enforcement and this bill may create a disparity in treatment between minors and adults charged in circuit court, especially if the individuals are co-defendants.

cc. Hon. Shaneka Henson
Judicial Council
Legislative Committee
Kelley O'Connor