

HB0449\_RichardKaplowitz\_UNF

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Richard Keith Kaplowitz  
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**TESTIMONY ON HB#0449 - POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act**

**TO:** Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee  
**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony opposing HB#/0449, Juvenile Justice Restoration Act**

This bill seems to make 2 assumptions in its application that are false. The first is that a minor does not have the same rights as an adult in requesting an attorney in every case in which they might be questioned by a law enforcement officer. Their Miranda Rights tell them they have the right to an attorney or that one may be appointed for them. They may be unaware of why they would want to have that attorney present at their questioning. The bill then assumes that a parent or guardian who has the same lack of knowledge of the legal system and has not been read of the right of counsel is competent to give permission for the minor's questioning without that counsel present. This bill denies minors that right of counsel simply because an adult, with no knowledge of the law, said it is ok to question the child.

This bill alters a certain provision of law authorizing a law enforcement officer to conduct an otherwise lawful custodial interrogation of a child if the child's parent, guardian, or custodian consents to the custodial interrogation of the child without the child's consultation with an attorney. It does nothing to protect that minor from inadvertent loss of legal rights due to their participation in questioning after permission to do so is granted. It will further the mistrust of our law enforcement by our youth when they learn that youth legal rights are not guarded or guaranteed as much as an adult in a similar circumstance.

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**I respectfully urge this committee to return an unfavorable report on HB0449.**