

WRITTEN TESTIMONY REGARDING HOUSE BILL 449 (FAVORABLE)

Madame. Chair, Madam Vice Chai, members of the committee I'm here today to testify in favor of House Bill 449, which would amend the Juvenile Interrogation Protection Act. Up front I think it's important to say what this bill does not do. This bill does not limit a juvenile's 5th Amendment right not to speak to law enforcement. This bill does not limit a juvenile's 6th Amendment right to be represented by counsel or to speak to counsel prior to speaking to law enforcement. This bill does not affect the requirement that a juvenile be advised of his/her *Miranda* rights when taken into custody and questioned. This bill does not remove the requirement that law enforcement make all reasonable efforts to contact a juvenile's parent or guardian prior to speaking to the juvenile.

All this bill does is to allow the person in the best position to know what's best for a juvenile to advocate and make decisions for the juvenile, the parent or guardian. This bill allows a parent to waive the requirement that the juvenile speak to an attorney before speaking to police. Let's let parents and guardians make decisions for their children, not a statute.

Under this bill, a parent or guardian could still speak to an attorney on their own, allow a juvenile to speak to an attorney on their own, or even prohibit the juvenile from speaking to law enforcement. All these options are still at the disposal of the juvenile and his or her parent or guardian. But it would be the parent or guardian making the best decision for their child, rather than a statute.

A statement given by juvenile may often be helpful to further an investigation and lead to the recovery of evidence and the identification of other individuals involved. Statements given by juveniles can benefit the juvenile. I handled a home invasion case

where a juvenile and four (4) adult codefendants had a firearm, broke into a home, and took items from the home. The juvenile suspect provided a statement that limited the juvenile's culpability in the case which significantly benefited the juvenile in the disposition of the case.

I urge a favorable report for House Bill 449 as this bill is in the interests of juveniles and their parents and guardians.

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