

## SUPPORT with amendment- HB 269 – Juvenile Interrogation Protection Act

MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



To: Chair Luke Clippinger and House Judiciary Committee members  
2022

Feb. 2,

From: Phil Caroom, MAJR executive committee

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) strongly supports “The Juvenile Interrogation Protection Act” (HB 0269 / SB 0053).

Current Maryland statutes and precedents provide only that reasonable efforts should be made to notify a parent of the child's arrest and that the child should be Mirandized; the current law does not provide a bright-line rule against non-emergency interrogations without an attorney's advice." McIntyre v. State, 309 Md. 607, 526 A.2d 30 (1987). HB 269/SB 53 would make state policy more clear by creating a rebuttable presumption against admission of statements taken in violation of the law.

Another major concern about policy strategies for juvenile interrogation is the use of deception both as to misrepresenting evidence or as to expectation of leniency for a confession. Studies 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 and Oregon have already adopted laws to bar such dangerous tactics by police interrogators of juveniles; more states actively are considering such bills including Ohio, Colorado, Utah and New York. Maryland as well should add protection from this improper practice – by amendment to HB 269. See possible amending language (page 2 of this testimony.)

For all these reasons, I urge that the Committee pass HB 269 and consider an amendment also to bar police use of deception that may induce false confessions.

==

*PLEASE NOTE:*

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

==

Please see suggested amendment - page 2 of this testimony:

This possible amendment language comes from Illinois 2021 statute (orig., SB 2122):  
<https://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=110&GA=102&DocTypeId=SB&DocNum=2122&GAID=16&LegID=134773&SpecSess=&Session=>

==

"Deception" means the knowing communication of false facts  
15 about evidence or unauthorized statements regarding leniency  
16 by a law enforcement officer or juvenile officer to a subject  
17 of custodial interrogation.

1 (b) An oral, written, or sign language confession of a  
2 minor, who at the time of the commission of the offense was  
3 under 18 years of age, made as a result of a custodial  
4 interrogation conducted at a police station or other place of  
5 detention on or after the effective date of this amendatory  
6 Act...shall be presumed to be  
7 inadmissible as evidence against the minor making the  
8 confession in a criminal proceeding or a juvenile court  
9 proceeding for an act that if committed by an adult would be [a crime]  
12 during the custodial interrogation, a law enforcement officer  
13 or juvenile officer knowingly engages in deception.

14 (c) The presumption of inadmissibility of a confession of  
15 a minor, who at the time of the commission of the offense was  
16 under 18 years of age, at a custodial interrogation, at a police  
17 station or other place of detention, when such confession is  
18 procured through the knowing use of deception, may be overcome  
19 by a preponderance of the evidence that the confession was  
20 voluntarily given, based on the totality of the circumstances.

21 (d) The burden of going forward with the evidence and the  
22 burden of proving that a confession was voluntary shall be on  
23 the State. Objection to the failure of the State to call all  
24 material witnesses on the issue of whether the confession was  
25 voluntary must be made in the trial court.