

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



# Advocating for Legislation In Maryland

Jenny Zito  
January 2024

Let's follow a sample bill from through the legislative process and discuss various opportunities to advocate.

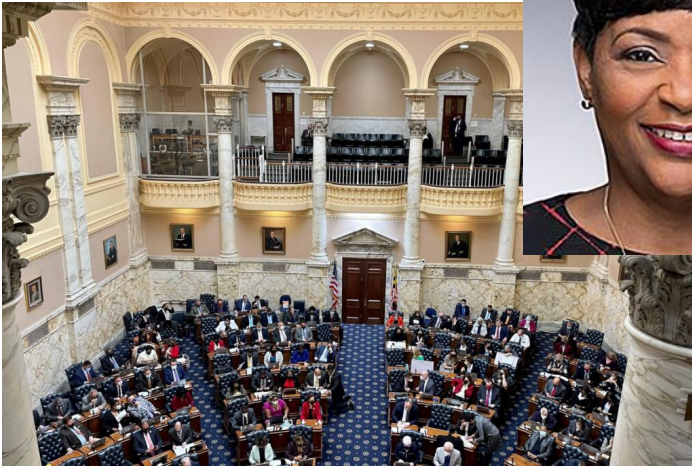
# Example: 2022 Child Interrogation Protection Act

- Police must make a reasonable effort to contact a juvenile's parents.
- **A child must be provided with a lawyer** by their parents or by the office of the public defender (there are exceptions for situations with imminent danger) **and consult with their lawyer before being interrogated.**
- Statements from the child that do not follow these restrictions can not be used as evidence in court.

# There are two “chambers” in the Maryland Legislature.

The **House of Delegates** is led by  
Speaker Adrienne Jones.

The **Senate** is led by  
President Bill Ferguson.



# Child Interrogation Protection Act (SB 53/HB 269) sponsors



Senator Jill Carter

and



Delegate Sandy Bartlett

were the primary sponsors of the bill. The bill had many additional sponsors.

# Child Interrogation Protection Act assigned to committees

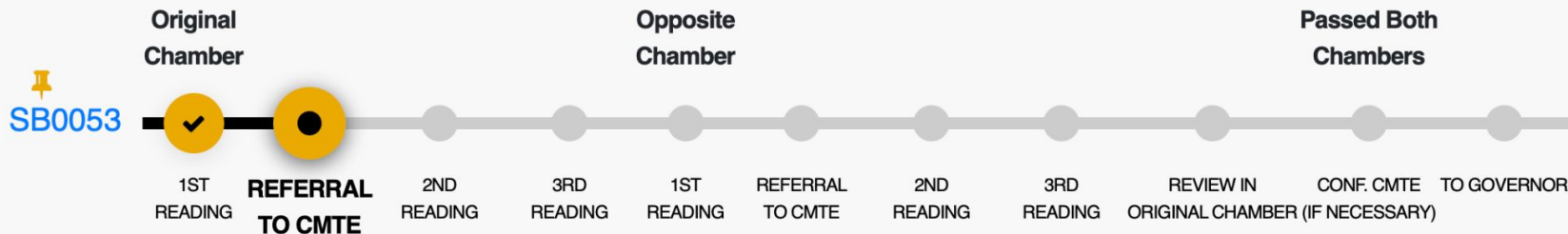
## Senate Committees Standing

Committee	Chair
Budget and Taxation Committee	Guzzone, Guy
Education, Health, and Environmental Affairs Committee	Pinsky, Paul G.
Executive Nominations Committee	Young, Ronald N.
Finance Committee	Kelley, Delores G.
Judicial Proceedings Committee	Smith, William C., Jr.
Rules Committee	Benson, Joanne C.
Reapportionment and Redistricting	King, Nancy J.

## House Committees Standing

Committee	Chair
Appropriations Committee	McIntosh, Maggie
Economic Matters Committee	Wilson, C. T.
Environment and Transportation Committee	Barve, Kumar P.
Health and Government Operations Committee	Pendergrass, Shane E.
Rules and Executive Nominations Committee	Healey, Anne
Judiciary Committee	Clippinger, Luke
Ways and Means Committee	Atterbeary, Vanessa E.

# Timeline for SB0053 from mgaleg.maryland.gov (January 2022)



<b>Title</b>	Juvenile Law - Juvenile Interrogation Protection Act
<b>Sponsored by</b>	Senator <a href="#">Carter</a>
<b>Status</b>	In the Senate - Hearing 1/27 at 2:00 p.m.
<b>Analysis</b>	<a href="#">Fiscal and Policy Note</a>
<b>Synopsis</b>	Requiring a law enforcement officer who takes a child into custody, interrogates or charges a child with a criminal violation to provide reasonable notice to the child's parents, guardian, or custodian; requiring the notice to include the child's location, the reason for the custody action, and instructions on how to make in-person contact; prohibiting the interrogation of a child by a law enforcement officer until the child has consulted with a certain attorney and a notice has been provided to the child's parents, guardian or custodian; etc.



# Fiscal and Policy Note

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 53

(Senator Carter)

Judicial Proceedings

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**Juvenile Law - Juvenile Interrogation Protection Act**

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This bill, subject to a limited exception, prohibits a law enforcement officer from conducting a custodial interrogation of a child until the child has consulted with an attorney, and the law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the child that the child will be interrogated. The bill establishes related requirements for custodial interrogations of a child and establishes a rebuttable presumption that a statement made by a child during a custodial interrogation is inadmissible in specified proceedings if a law enforcement officer willfully failed to comply with the bill's requirements. A law enforcement officer may conduct an otherwise lawful custodial interrogation of a child if (1) the officer reasonably believes that

**SB 53**

<b>Title</b>	Juvenile Law - Juvenile Interrogation Protection Act
<b>Sponsored by</b>	Senator <a href="#">Carter</a>
<b>Status</b>	In the <u>Senate</u> - Hearing 1/27 at 2:00 p.m.
<b>Analysis</b>	<u>Fiscal and Policy Note</u>
<b>Synopsis</b>	Requiring a law enforcement officer who interrogates a child to provide reasonable notice to the parent, guardian, or custodian of the child.

These notes tend to be written in a way that makes the bill understandable to everyone, a great reference!



# Advocacy! Writing to a Bill Sponsor

**From:** Jennifer Zito [mailto:[jennyzito@gmail.com](mailto:jennyzito@gmail.com)]

**Sent:** Sunday, January 16, 2022 3:02 PM

**To:** Carter, Jill Senator <[Jill.Carter@senate.state.md.us](mailto:Jill.Carter@senate.state.md.us)>; Bartlett, Sandy Delegate <[Sandy.Bartlett@house.state.md.us](mailto:Sandy.Bartlett@house.state.md.us)>

**Subject:** Juvenile Interrogation Protection bill question

Dear Senator Carter and Delegate Bartlett,

I am helping to run an advocacy workshop this Tuesday and was thinking that the Juvenile Interrogation Protection Act SB0053 (HB0269) might be a great sample bill to discuss.

This bill will be supported by WISE and MAJR in 2022.

I was wondering whether the bill did not get through last year simply because there was too much else going on, or whether the Senate had some issues with the bill?

What can advocacy groups do to make sure the bill gets through this year?

Thanks for any tips you can give us,

Jenny Zito

MAJR Juvenile Justice Issues Group

WISE Criminal Justice Reform Huddle Lead

## Tips:

- Always use titles (Senator, Delegate)
- Mention the bill title and number
- Ask one or two short questions
- Say thanks!

# Response with suggestions:

Hi Jenny!

Happy New Year. We are excitedly moving forward on the bill this year and as we have hearing dates, we would greatly appreciate the advocates signing up to testify in support of the bills. If anyone is inclined to write an Op-ed and social media posts, that would also be helpful. On the hearing dates or the day before each, the groups may wish to have a robust email campaign to JUD and JPR members.

You probably already know that the hearing dates are as follows: JPR – 1/27 at 2 pm and JUD – 2/2 at 1 pm. Please make sure the groups are aware of these dates and the Committee hearing and witness rules. Let us know if you need anything else.

Thanks for your continuous advocacy!

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Regards,

**Delegate J. Sandy Bartlett**  
The Maryland House of Delegates  
Legislative District 32

## Suggestions received:

- Testify at hearings
- Email campaign to committee members
- Newspaper opinion piece or letter to editor
- Social media posts

We often write an issues brief for the MAJR website

## MAJR Issue Briefs

- MAJR Issues briefs are found under the “Resources” Tab
- They are a great source of information on what we support.
- We write new briefs and improve existing ones, and you can help!

Home Who We Are Workgroups Initiatives **Resources** Press Room Get Involved Contact Us

### Juvenile Interrogation

#### What's the Problem?

Juveniles are more likely to waive their right to a lawyer than adults, and this is usually associated with pleading guilty to an “admission,” or guilty plea [Woolard]. In these cases, the juveniles rarely understand the life-long consequences of a criminal record. For example, certain delinquency adjudications may result in deportation, barriers to employment, or removal from school or public housing [Henning].

Juveniles are more vulnerable to interrogative pressure than adults [RGK]. It is much more common for juveniles to accept responsibility for an act they did not do than adults [RG]. They are less likely than adults to be aware of the practice of police deception. Most states allow police, during interrogations, to lie in order to get a confession from the suspect. This can include claiming that there was DNA evidence, or claiming that one of the other suspects in a group already confessed, or that someone has informed on the suspect. The National Registration of Exonerations records that of exonerated defendants (those convicted of crimes they did not commit ), 36% of juveniles falsely confessed to crimes, whereas only 10% of adults falsely confessed to crimes [NRE]. In about 30% of all wrongful convictions that have been overturned by DNA evidence, deceptive interrogation tactics, including false promises of leniency and false claims about the existence of incriminating evidence [Innocence Project].

#### What solutions are we working toward?

MAJR supports the 2022 Juvenile Interrogation Protection Act (HB0269/SB0053).



# Written Testimony

To: Chair Senator Will Smith and Judicial Proceedings Committee members  
From: Jenny Zito, MAJR executive committee

Jan. 27, 2022

## What to include:

- Header:
  - Support/Oppose
  - Bill Number
  - Bill Name
- Who you are and why you support
- 2-3 main points
  - Include some detail
- References

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

The Sixth Amendment states that in "all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense." In 1967's "In re Gault," the U.S. Supreme Court recognized that due process rights for juveniles should include the opportunity to consult with legal counsel because juveniles are particularly vulnerable. Absent adult advice, juveniles rarely understand the potentially life-long consequences of a criminal record. For example, certain delinquency adjudications may result in deportation, barriers to employment, or removal from school or public housing [Henning].

Unfortunately, youth and inexperience make it much more likely for juveniles to agree to waive their right to counsel, especially in the context of interrogation. Juveniles are more vulnerable to interrogative pressure than adults [Richardson et al.]. It is much more common for juveniles to accept responsibility for an act they did not do than adults [RedlichGoodman]. A 2005 study of 340 exonerated individuals found that juvenile exonerees were three times as likely as adults to have given false confessions [Gross et al.].

Current Maryland statutes and precedents provide that reasonable efforts should be made to notify a parent of the child's arrest and that the child should be Mirandized, but do not provide a bright-line rule against non-emergency interrogations without an attorney's advice [McIntyre v. State]. HB 269/SB 53 also makes state policy more clear by creating a rebuttable presumption against admission of statements taken in violation of the law.

This bill is supported by Baltimore City State's Attorney Marilyn Mosby and Prince George's County State's Attorney Aisha Braveboy [Weill-Greenberg].

Other states' examples: California has passed a bill that requires people under 18 must be allowed to speak with an attorney before an interrogation can commence. Both New York and Washington state have similar bills that are under consideration by their legislatures this year.

### References:

- Gross SR, Jacoby K, Matheson DJ, Montgomery N. Exonerations in the United States 1989 through 2003. *J. Crim. L. & Criminology*. 2004;95:523.
- Henning K. Eroding confidentiality in delinquency proceedings: Should schools and public housing authorities be notified. *New York University Law Review*. 79, 520 – 611 (2004).
- *McIntyre v. State*, 309 Md. 607, 526 A.2d 30 (1987).
- Redlich AD, Goodman GS. Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and human behavior*. 2003 Apr;27(2):141-56.

# Committee bill hearings are an opportunity for the public to let their legislators know what is important to them.

- Sign up for an MGA account at [mgaleg.maryland.gov](http://mgaleg.maryland.gov).
- More details later in the presentation.



Phil Caroom testifies on behalf of MAJR at the Judicial Proceedings Committee hearings on 1-27-2022 (min 17:20)  
<https://www.youtube.com/watch?v=FFLL31A6L10&t=1843s>

Amendments may be introduced in committee or “on the floor” of the chamber.

Example:

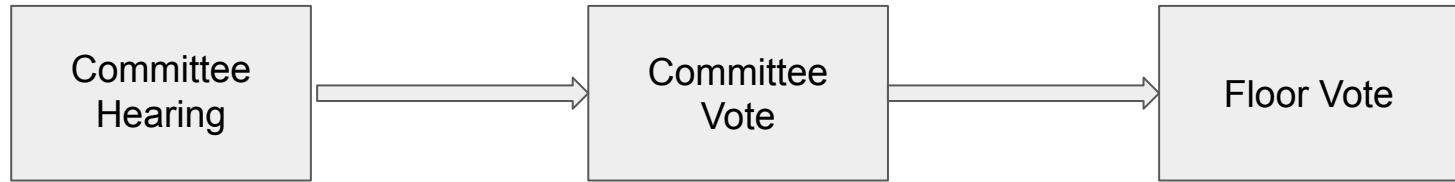
MAJR supported the Child Interrogation Protection Act without amendments.

However, we suggested an amendment during our testimony “That police officers may not deliberately deceive juveniles during interrogations.”

Although this amendment was not adopted in 2022, the discussion served to make the committee and the public aware of the issue of police being allowed to lie to children.

In 2024 MAJR is supporting bill HB 169, Custodial Interrogation of Minors, so that police will not be allowed to deceive children during interrogations.

A bill must be brought to vote in committee and receive a majority of votes in order to be given a vote “on the floor” of the appropriate chamber (House or Senate).

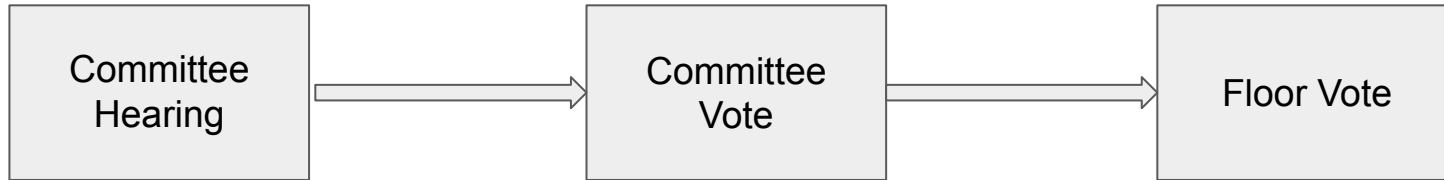


In 2021, an earlier version of the Juvenile Interrogation bill never was never voted on by the Senate Judicial Proceedings Committee, so it never made it to the floor of the Senate for a vote.



# Opposite Chamber, Final Passage

- If a bill passes a floor vote, it goes to the “Opposite Chamber”
  - House Floor Vote => Senate
  - Senate Floor Vote => House
- The whole process repeats!



- If passed it goes back to original house for **final passage!**

# Governor Signs or Vetos (and Chambers May Override)

- Once a bill is passed in both chambers, it goes to Governor.  
The Governor may veto the bill, or sign the bill into law.  
The bill will go into law after 30 days if the Governor takes no action.
- Overrides: If the Governor vetoed the bill, it can still become law if  
of both the House and Senate vote for a veto override.

3/5


In 2022, the Child Interrogation Protection Act passed both chambers, but was vetoed by Governor Hogan.

The general assembly voted to override, and the bill became law!

# The Maryland General Assembly (MGA) will allow In-Person and Virtual Testimony for the 2024 Session

- To register to provide oral testimony or submit written testimony you must create an MGA account on their website. On the MGA website see tutorials, understanding the bill page, and signing up to testify (witness sign up)  
<https://mgaleg.maryland.gov/mgaweb site/Information/VideoTutorials>
- Sign up for verbal testimony and/or submit written testimonies for a bill hearing:
  - 2 business days in advance for the House
  - 1 business day in advance for the Senate.
- Verbal testimonies are usually limited to 2 minutes.
- Written testimonies can be several pages long and include references.
- Senate committees only allow 14 remote testimonies per issue, but usually doesn't cap the number of in person testimonies.





<https://mgaleg.maryland.gov/mgawebsite/Information/VideoTutorials>



# MARYLAND GENERAL ASSEMBLY

Legislative Services | Legislative Audits

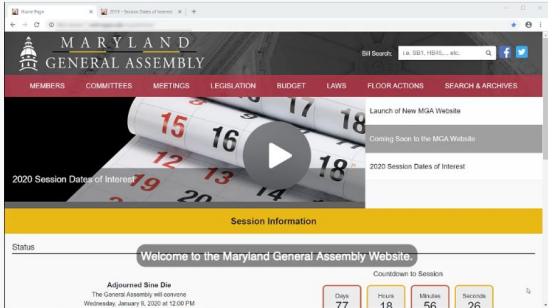
Search i.e. Bill search, keyword



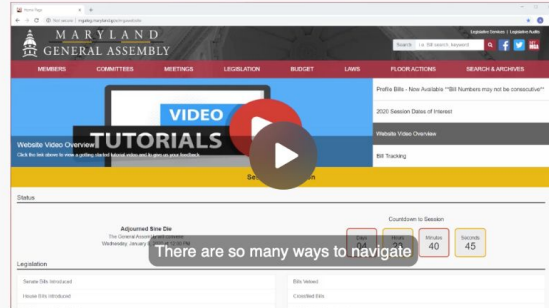
← Signup

MEMBERS COMMITTEES MEETINGS LEGISLATION BUDGET LAWS FLOOR ACTIONS SEARCH & ARCHIVES

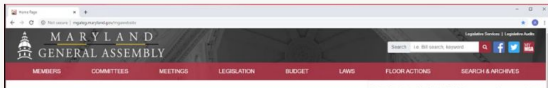
### Introduction to MGA Website




### Understanding a Bill Page



### Searching for Bills



### Finding a Legislator



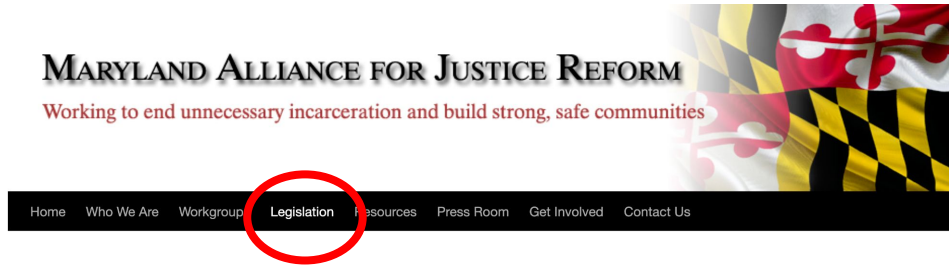
# Trainings, sample testimonies, and advocacy events are available from many organizations.

Maryland Alliance of Justice Reform: <https://ma4jr.org>

League of Women Voters: [https://www.lwvmd.org/past\\_testimony](https://www.lwvmd.org/past_testimony)

Maryland Legislative Coalition: <https://mdlc.tpmobilization.org>

# A list of the bills MAJR is supporting each year can be found



at <https://ma4jr.org> under the Legislation tab.

This page also has links to the bills, testimony, and hearing information.

## Priority Legislation Supported by MAJR

Initiative	Category	House Bill	Senate Bill	Hearing
<a href="#">Ombudsman</a>	Behind Walls	<a href="#">HB0297</a>	<a href="#">SB0134</a>	Senate 2/7 at 2:00 pm
<a href="#">Geriatric &amp; Medical Parole</a>	Behind Walls	<a href="#">HB0118</a>	<a href="#">SB0128</a>	Senate 2/7 at 2:00 pm
<a href="#">Medical Parole – Life Imprisonment</a>	Behind Walls	<a href="#">HB0185</a>	<a href="#">SB0132</a>	Senate 2/7 at 2:00 pm
<a href="#">Correctional Education (REAP) Act Amprey, Steuer, Lichtenberg</a>	Education	<a href="#">HB0092</a>		Appropriations 1/23 at 2:00
<a href="#">Prison Education Delivery Reform Commission</a>	Education	<a href="#">HB0209</a>		
<a href="#">Selection/Retention of Judges</a>	Courts	<a href="#">HB0048</a>		
<a href="#">Custodial Interrogation of Minors</a>	Juvenile	<a href="#">HB0169</a>		
<a href="#">Petition to Reduce</a>	Behind		<a href="#">SB0123</a>	Senate 2/1 at

# How can you help!

If you would like to help advocate for one of the bills MAJR is supporting, contact the workgroup that is focusing on the bill and let them know

- [frontdoor@ma4jr.org](mailto:frontdoor@ma4jr.org)
- [behindthewalls@ma4jr.org](mailto:behindthewalls@ma4jr.org)
- [backdoor@ma4jr.org](mailto:backdoor@ma4jr.org)

Some of the ways people can help are

- Personal visits to legislators (in-person or virtual)
- Send paper letters,
- Make phone calls,
- Send emails & MAJR “musters”,
- Social media posts, and
- Write letters to the editor and opinion pieces.

We can help you by reviewing drafts.



# Sign up to receive MAJR emails and “Muster” with us.

Everyone who signs up on our webpage <https://ma4jr.org/individuals> to receive emails from MAJR will have the opportunity to participate in “Muster” advocacy.

Musters are designed to let delegates and senators hear from their own constituents about why a bill coming up for a hearing or vote is important.

MAJR will send you some possible talking points or suggested text and then you can modify the email to reflect what is most important to you and the Muster software will automatically send your letter to your delegate or senator.