

HB0814/133022/1

BY: Delegate Acevero

AMENDMENTS TO HOUSE BILL 814
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “probation” insert “; establishing a certain 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”; and after line 22, insert:

“BY adding to

Article – Courts and Judicial Proceedings

Section 10–925

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 12, after line 22, insert:

“10–925.

(A) IN THIS SECTION, “CUSTODIAL INTERROGATION” RETAINS ITS JUDICIALLY DETERMINED MEANING.

(B) (1) THERE IS 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 IF THE LAW ENFORCEMENT OFFICER INTENTIONALLY USED INFORMATION KNOWN BY THE OFFICER TO BE FALSE IN ORDER TO ELICIT THE STATEMENT.

(2) THE PRESUMPTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE STATEMENT WAS VOLUNTARY AND NOT MADE IN RESPONSE TO THE FALSE INFORMATION USED BY THE LAW ENFORCEMENT OFFICER TO ELICIT THE STATEMENT.