

April 8, 2022

The Honorable Bill Ferguson  
President of the Maryland Senate  
H-107 State House  
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 53 – *Juvenile Law – Child Interrogation Protection Act*.

We share the common goal of protecting the youth in the state's custody, and balancing the safety of our communities and the rehabilitation of youth involved in delinquency proceedings; however, Senate Bill 53, while it has good intentions, is a flawed bill that will hamper criminal investigations, and, in turn, potentially jeopardize public safety. Many of the provisions in the bill meant to protect youth were concepts that I could support, such as requiring the recording of interrogations, notification to parents/guardians, and developing age-appropriate language to explain Miranda rights to a youth. The hurdles created by this bill, most notably requiring consultation with an attorney prior to questioning, will effectively eliminate the ability for law enforcement to interrogate a youth. At a time where the public is concerned about increases in juvenile crime, this bill removes a crucial tool from the toolbox in the investigation of criminal activity and the administration of justice.

Recent studies suggest that youth are more vulnerable and culpable than adults, and may be more likely to submit to pressure from police to proceed with questioning instead of exercising their constitutional right against self-incrimination. Nonetheless, adult and youth suspects alike often choose to waive their Miranda rights and speak to police. These interactions, which are typically consensual, frequently provide crucial information that may lead to the identification of additional suspects and victims; evidence, such as firearms and other dangerous and deadly weapons, stolen property, and drug stashes; and facts that could assist in the investigation of alleged criminal activity as well as bringing criminals to justice. Despite the fact that some youth may choose to speak freely and voluntarily, this legislation bars a youth from waiving the requirement to speak with a defense attorney or public defender.

Additionally, law enforcement officers undergo routine training on best practices that are to be utilized when taking a youth into custody and questioning them. Law

enforcement officials understand the inherent difference and special care that is needed when a youth is in custody, so they take extra precautions to ensure that any statement that a youth provides is voluntary and in accordance with the Constitution and precedent established by the judicial branch. Under current practices, it is rare for a custodial interrogation of a youth to not be recorded by audio and video. The recordings of the interrogation are then meticulously reviewed by prosecutors, challenged in court by the defense, and the court will ultimately decide if the youth's rights were violated or if the evidence is admissible.

After careful consideration of the dueling priorities of protecting both youth constitutional rights as well as public safety and criminal investigations, it is clear that Senate Bill 53 fails to strike an appropriate balance that protects the youth and public safety of the state.

For these reasons, I have vetoed Senate Bill 53.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor