



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 19, 2020

SB 593

Juvenile Law - Child Interrogation Protection Act

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 593. The Catholic Conference represents the public-policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 593 safeguards against custodial interrogation of a child without the assistance of counsel. This legislation would help ensure that youth held in custody would be afforded the opportunity to at least consult with an attorney, and if they so choose, have one present during custodial interrogation. Moreover, this bill would require parental notification that the child will be interrogated.

Our United States and Maryland Constitutions guarantee numerous rights to its citizens, but particularly to those involved with our systems of criminal justice. These include, but are not limited to, the right to be free from self-incrimination and the right to the effective assistance of counsel. Both of these rights are further safeguarded by this legislation.

Our society rightfully makes numerous efforts to protect constitutional rights, but there should be heightened scrutiny around ensuring that those rights are even further safeguarded for youth. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions. Moreover, the United States Conference of Catholic Bishops has cautioned that system-involved youth should never be treated as if they are “fully formed in conscience and fully aware of their actions.” *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000),

This bill helps to protect youth who are subject to custodial interrogation from incriminating themselves, whether truthfully against their constitutional rights, or in a false manner out of perceived or actual duress. If the State of Maryland truly values the rights and protections afforded by our Constitution, we owe it to youth subject to custodial interrogation to see that the rights afforded by it are protected.

It is for these reasons that we urge a favorable report on Senate Bill 593.