

SB0744/633827/1

BY: Senator Carozza

AMENDMENTS TO SENATE BILL 744  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “probation” insert “providing that a law enforcement officer may conduct a certain interrogation of a child if probable cause exists for the law enforcement officer to believe that the child committed a certain crime of violence or a crime involving a firearm and the law enforcement officer has made an effort reasonably calculated to give actual notice to the child's parent, guardian, or custodian that the child will be interrogated”; and in line 14, after “3-8A-14,” insert “3-8A-14.2(a) and (g).”.

AMENDMENT NO. 2

On page 9, after line 29, insert:

“3-8A-14.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Custodial interrogation” retains its judicially determined meaning.

(3) **“FIREARM” HAS THE MEANING STATED IN § 4-204 OF THE CRIMINAL LAW ARTICLE.**

(4) (i) “Law enforcement officer” has the meaning stated in § 1-101 of the Public Safety Article.

(ii) “Law enforcement officer” includes a school resource officer, as defined in § 7-1501 of the Education Article.

(g) (1) Notwithstanding the requirements of this section, a law enforcement officer may conduct an otherwise lawful custodial interrogation of a child if:

(i) 1. The law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety; and

[(ii)] 2. The questions posed to the child by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.

**(II) 1. PROBABLE CAUSE EXISTS FOR THE LAW ENFORCEMENT OFFICER TO BELIEVE THE CHILD COMMITTED A CRIME OF VIOLENCES, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A CRIME INVOLVING A FIREARM; AND**

**2. 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.**

(2) (i) Unless it is impossible, impracticable, or unsafe to do so, an interrogation conducted under paragraph (1) of this subsection shall be recorded.

(ii) In a jurisdiction that has adopted the use of body-worn digital recording devices by law enforcement officers, the interrogation of a child may be recorded using a body-worn digital recording device in a manner that is consistent with departmental policies regarding the use of body-worn digital recording devices.

(iii) In a jurisdiction that has not adopted the use of body-worn digital recording devices, the interrogation of a child may be recorded using other video and audio recording technology in a manner that is consistent with any policies of the law enforcement agency regarding the use of video and audio recording technology.

(iv) A child being interrogated under this subsection shall be informed if the interrogation is being recorded.”.