

BY adding to

Article - Criminal Procedure

Section 2-401 ~~and 2-402~~ through 2-404 to be under the new subtitle "Subtitle 4. Custodial Interrogation"

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Criminal Procedure

SUBTITLE 4. CUSTODIAL INTERROGATION.

2-401.

~~(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "CUSTODIAL" IN THIS SUBTITLE, "CUSTODIAL INTERROGATION" RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

~~(3) "ELECTRONIC RECORDING" MEANS A VIDEOTAPE OR DIGITAL RECORDING THAT INCLUDES BOTH AUDIO AND VISUAL REPRESENTATIONS.~~

~~(4) (i) "PLACE OF DETENTION" MEANS A GOVERNMENTAL FACILITY UNDER THE CONTROL OF A LAW ENFORCEMENT UNIT AT WHICH A PERSON MAY BE DETAINED IN CONNECTION WITH CRIMINAL CHARGES AGAINST THE PERSON.~~

~~(ii) "PLACE OF DETENTION" INCLUDES A POLICE STATION, STATE PRISON FACILITY, OR LOCAL PRISON FACILITY.~~

~~(B) IT IS THE PUBLIC POLICY OF THE STATE THAT CUSTODIAL INTERROGATIONS OF CRIMINAL SUSPECTS BE RECORDED WHENEVER PRACTICABLE.~~

~~(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN ELECTRONIC RECORDING SHALL BE MADE OF A CUSTODIAL INTERROGATION CONDUCTED IN A PLACE OF DETENTION WHEN THE INTERROGATION IS IN CONNECTION WITH A MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE.~~