

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.~~

~~(D) (1) ELECTRONIC RECORDING OF A STATEMENT UNDER SUBSECTION (C) OF THIS SECTION IS NOT REQUIRED IF:~~

~~(i) THE STATEMENT IS MADE:~~