

West's Annotated Code of Maryland [Currentness](#)

Criminal Procedure ([Refs & Annos](#))

▢ [Title 2](#). Law Enforcement Procedures; Arrest Process

→ [Subtitle 4](#). Custodial Interrogation ([Refs & Annos](#))

→ **§ 2-401. Custodial interrogation defined**

In this subtitle, “custodial interrogation” retains its judicially determined meaning.

§ 2-402. Policy of the State; audiovisual recordings of custodial interrogations

It is the public policy of the State that:

(1) a law enforcement unit that regularly utilizes one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audiovisual recording of a custodial interrogation of a criminal suspect in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree, whenever possible; and

(2) a law enforcement unit that does not regularly utilize one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audio recording of a custodial interrogation of a criminal suspect in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree, whenever possible.

§ 2-403. Construction with Maryland Wiretapping and Electronic Surveillance Act

An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act.

§ 2-404. Reporting requirements

On or before December 31, 2009, and annually thereafter, the Governor's Office of Crime Control and Prevention shall report to the House Judiciary Committee and the Senate Judicial Proceedings Committee, in accordance with [§ 2-1246 of the State Government Article](#) on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.

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