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By: **Delegates Impallaria, McDonough, Boteler, and Dwyer**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Illegal Aliens - Detention Requirement**

3 FOR the purpose of requiring a Baltimore County police officer to detain an  
4 undocumented alien under certain circumstances until the undocumented alien  
5 is transferred to the custody of the Bureau of Citizenship and Immigration  
6 Services of the United States Department of Homeland Security; requiring a  
7 Baltimore County police officer to contact the Bureau of Citizenship and  
8 Immigration Services of the United States Department of Homeland Security  
9 when the police officer detains an undocumented alien; prohibiting a Baltimore  
10 County police officer from searching for undocumented aliens for a certain  
11 purpose; defining a certain term; and generally relating to undocumented  
12 aliens.

13 BY repealing and reenacting, without amendments,  
14 Article - Criminal Procedure  
15 Section 2-101(c)  
16 Annotated Code of Maryland  
17 (2001 Volume and 2004 Supplement)

18 BY adding to  
19 Article - Criminal Procedure  
20 Section 2-108  
21 Annotated Code of Maryland  
22 (2001 Volume and 2004 Supplement)

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

25 **Article - Criminal Procedure**

26 2-101.

27 (c) "Police officer" means a person who in an official capacity is authorized by  
28 law to make arrests and is:

- 1 (1) a member of the Department of State Police;
- 2 (2) a member of the Police Department of Baltimore City;
- 3 (3) a member of the Baltimore City School Police Force;
- 4 (4) a member of the police department, bureau, or force of a county;
- 5 (5) a member of the police department, bureau, or force of a municipal  
6 corporation;
- 7 (6) a member of the Maryland Transit Administration Police Force,  
8 Maryland Port Administration Police Force, or Maryland Transportation Authority  
9 Police Force;
- 10 (7) a member of the University of Maryland Police Force or Morgan State  
11 University Police Force;
- 12 (8) a special police officer who is appointed to enforce the law and  
13 maintain order on or protect property of the State or any of its units;
- 14 (9) a member of the Department of General Services security force;
- 15 (10) the sheriff of a county whose usual duties include the making of  
16 arrests;
- 17 (11) a regularly employed deputy sheriff of a county who is compensated  
18 by the county and whose usual duties include the making of arrests;
- 19 (12) a member of the Natural Resources Police Force of the Department of  
20 Natural Resources;
- 21 (13) an authorized employee of the Field Enforcement Division of the  
22 Comptroller's Office;
- 23 (14) a member of the Maryland-National Capital Park and Planning  
24 Commission Park Police;
- 25 (15) a member of the Housing Authority of Baltimore City Police Force;
- 26 (16) a member of the Crofton Police Department;
- 27 (17) a member of the WMATA Metro Transit Police, subject to the  
28 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan  
29 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation  
30 Article;
- 31 (18) a member of the Internal Investigative Unit of the Department;
- 32 (19) a member of the State Forest and Park Service Police Force of the  
33 Department of Natural Resources;

1 (20) a member of the Department of Labor, Licensing, and Regulation  
2 Police Force; or

3 (21) a member of the Washington Suburban Sanitary Commission Police  
4 Force.

5 2-108.

6 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

7 (B) A POLICE OFFICER:

8 (1) SHALL DETAIN AN UNDOCUMENTED ALIEN:

9 (I) WHOM THE POLICE OFFICER ENCOUNTERS IN THE NORMAL  
10 COURSE OF THE OFFICER'S DUTIES IN BALTIMORE COUNTY AND WHO THE POLICE  
11 OFFICER DETERMINES IS AN UNDOCUMENTED ALIEN;

12 (II) WHO IS THEREAFTER TAKEN INTO CUSTODY BY THE OFFICER;  
13 AND

14 (III) UNTIL THE INDIVIDUAL TAKEN INTO CUSTODY IS  
15 TRANSFERRED TO THE CUSTODY OF THE BUREAU OF CITIZENSHIP AND  
16 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND  
17 SECURITY; BUT

18 (2) MAY NOT SEARCH FOR UNDOCUMENTED ALIENS FOR THE SOLE  
19 PURPOSE OF DETAINING THEM.

20 (C) A POLICE OFFICER SHALL INFORM THE BUREAU OF CITIZENSHIP AND  
21 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND  
22 SECURITY AS SOON AS POSSIBLE AFTER THE POLICE OFFICER HAS DETAINED AN  
23 UNDOCUMENTED ALIEN.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 2005.