

# HOUSE BILL 254

E2

3lr1062

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**By: Allegany County Delegation**

Introduced and read first time: January 23, 2013

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Allegany County – Criminal Procedure – Custody of Arrested Persons Before**  
3 **Release**

4 FOR the purpose of requiring a police officer or an agent acting on behalf of a law  
5 enforcement agency in Allegany County to keep custody of an arrested person  
6 from the time of arrest until the person is committed by lawful authority to a  
7 State or local correctional facility, released from custody, or in the custody of  
8 another police officer; authorizing a correctional officer in Allegany County  
9 assigned to supervise and transport inmates to keep custody of or provide  
10 transport for certain arrested persons under certain circumstances; and  
11 generally relating to the custody of arrested persons.

12 BY adding to  
13 Article – Criminal Procedure  
14 Section 2–106.1  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2012 Supplement)

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

19 **Article – Criminal Procedure**

20 **2–106.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(A) THIS SECTION APPLIES ONLY IN ALLEGANY COUNTY.**

2           **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
3 **POLICE OFFICER OR AN AGENT ACTING ON BEHALF OF A LAW ENFORCEMENT**  
4 **AGENCY SHALL KEEP CUSTODY OF AN ARRESTED PERSON FROM THE TIME OF**  
5 **ARREST UNTIL THE ARRESTED PERSON IS:**

6                   **(1) COMMITTED BY LAWFUL AUTHORITY TO A STATE OR LOCAL**  
7 **CORRECTIONAL FACILITY;**

8                   **(2) RELEASED FROM CUSTODY; OR**

9                   **(3) IN THE CUSTODY OF ANOTHER POLICE OFFICER.**

10           **(C) A CORRECTIONAL OFFICER MAY KEEP CUSTODY OF OR PROVIDE**  
11 **TRANSPORT FOR AN ARRESTED PERSON WHO IS AWAITING TRANSFER TO**  
12 **ANOTHER JURISDICTION OR WAITING TO SEE A JUDICIAL OFFICER OF THE**  
13 **COURT IF:**

14                   **(1) THE COMMISSIONER OF THE DIVISION OF PRETRIAL**  
15 **DETENTION AND SERVICES OR LOCAL MANAGING OFFICIAL HAS ASSIGNED THE**  
16 **CORRECTIONAL OFFICER TO SUPERVISE AND TRANSPORT INMATES;**

17                   **(2) THE CORRECTIONAL OFFICER WILL SUPERVISE THE**  
18 **ARRESTED PERSON IN A CORRECTIONAL FACILITY OR DURING TRANSPORT; AND**

19                   **(3) THE CORRECTIONAL FACILITY IS NOT ADDRESSING A**  
20 **SITUATION THAT POSES A SEVERE THREAT TO MAINTAINING THE DESIRED**  
21 **LEVEL OF SECURITY AND SAFETY OF THE ARRESTED PERSON OR PERSONS**  
22 **INSIDE THE CORRECTIONAL FACILITY AT THE TIME OF THE TRANSFER OF**  
23 **CUSTODY.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2013.