

# 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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## A BILL ENTITLED

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.**

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

22 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
23 **POLICE OFFICER OR AN AGENT ACTING ON BEHALF OF A LAW ENFORCEMENT**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AGENCY SHALL KEEP CUSTODY OF AN ARRESTED PERSON FROM THE TIME OF  
2 ARREST UNTIL THE ARRESTED PERSON IS:

3 (1) COMMITTED BY LAWFUL AUTHORITY TO A STATE OR LOCAL  
4 CORRECTIONAL FACILITY;

5 (2) RELEASED FROM CUSTODY; OR

6 (3) IN THE CUSTODY OF ANOTHER POLICE OFFICER.

7 (c) A CORRECTIONAL OFFICER MAY KEEP CUSTODY OF OR PROVIDE  
8 TRANSPORT FOR AN ARRESTED PERSON WHO IS AWAITING TRANSFER TO  
9 ANOTHER JURISDICTION OR WAITING TO SEE A JUDICIAL OFFICER OF THE  
10 COURT IF:

11 (1) THE COMMISSIONER OF THE DIVISION OF PRETRIAL  
12 DETENTION AND SERVICES OR LOCAL MANAGING OFFICIAL HAS ASSIGNED THE  
13 CORRECTIONAL OFFICER TO SUPERVISE AND TRANSPORT INMATES;

14 (2) THE CORRECTIONAL OFFICER WILL SUPERVISE THE  
15 ARRESTED PERSON IN A CORRECTIONAL FACILITY OR DURING TRANSPORT; AND

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

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