

Chapter 92

(House Bill 254)

AN ACT concerning

Allegheny County – Criminal Procedure – Custody of Arrested Persons Before Release

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

BY adding to

Article – Criminal Procedure

Section 2–106.1

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

Article – Criminal Procedure

2–106.1.

(A) THIS SECTION APPLIES ONLY IN ALLEGANY COUNTY.

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

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

(2) RELEASED FROM CUSTODY; OR

(3) IN THE CUSTODY OF ANOTHER POLICE OFFICER.

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

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

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

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

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

Approved by the Governor, April 9, 2013.