

HOUSE BILL 29

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(PRE-FILED)

4r0951
CF 4r1170

By: **Delegate Gutierrez**

Requested: November 14, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Law Enforcement Trust Act**

3 FOR the purpose of expressing the intent of the General Assembly to restore
4 community trust in Maryland law enforcement by clarifying the parameters of
5 local participation in federal immigration enforcement efforts; providing that
6 when an individual becomes eligible for release from certain custody, a certain
7 official may not continue to detain the individual on the basis of an immigration
8 detainer; providing that a detainee may not be denied bail solely because of an
9 immigration detainer; providing that nothing in a certain provision of this Act
10 may be construed to undermine the authority of a court to make a bail or bond
11 determination according to its usual procedures; prohibiting a law enforcement
12 official from stopping, arresting, searching, or detaining an individual for the
13 purpose of investigating a suspected immigration violation or based on a certain
14 warrant in a certain database; prohibiting a law enforcement official from
15 inquiring into the immigration status or place of birth of an arrestee or a victim
16 of crime; prohibiting a law enforcement agency from making an inmate
17 available for an interview by a federal immigration agent unless certain
18 conditions are met; requiring each State and local correctional facility to issue a
19 report once a year detailing certain information; requiring the Governor's Office
20 of Crime Control and Prevention to adopt regulations to implement this Act;
21 and generally relating to release from custody.

22 BY adding to

23 Article – Criminal Procedure

24 Section 5–103

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) THE NUMBER OF INDIVIDUALS HELD ON IMMIGRATION**
2 **DETAINERS;**

3 **(2) THE NUMBER OF DAYS EACH INDIVIDUAL WHO WAS HELD ON**
4 **AN IMMIGRATION DETAINER WAS HELD PAST THE DATE THE INDIVIDUAL WAS**
5 **ELIGIBLE FOR RELEASE ON STATE CHARGES;**

6 **(3) THE REASON FOR THE ARREST OF EACH INDIVIDUAL HELD ON**
7 **AN IMMIGRATION DETAINER; AND**

8 **(4) THE NUMBER OF INDIVIDUALS ULTIMATELY TRANSFERRED TO**
9 **THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.**

10 **(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**
11 **SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS**
12 **SECTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2014.