

# HOUSE BILL 1003

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4lr1763

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By: **Delegates McDonough and McComas**  
Introduced and read first time: February 6, 2014  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Individual With Immigration Detainer**  
3 **(Maryland Law Enforcement and Public Safety Trust Act)**

4 FOR the purpose of expressing the intent of the General Assembly to restore  
5 community trust in Maryland law enforcement by clarifying the parameters of  
6 local participation in federal immigration enforcement efforts; providing that  
7 when an individual becomes eligible for release from certain custody, a certain  
8 official shall continue to detain the individual on the basis of an immigration  
9 detainer; providing that a detainee shall be denied bail if the detainee has an  
10 immigration detainer; authorizing a law enforcement official to stop, arrest,  
11 search, or detain an individual for the purpose of investigating a suspected  
12 immigration violation or based on a certain warrant in a certain database;  
13 authorizing a law enforcement official to inquire into the immigration status or  
14 place of birth of an arrestee or a victim of crime; authorizing a law enforcement  
15 agency to make an inmate available for an interview by a federal immigration  
16 agent; and generally relating to release from custody.

17 BY adding to  
18 Article – Criminal Procedure  
19 Section 5–103  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2013 Supplement)

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

24 **Article – Criminal Procedure**

25 **5–103.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RESTORE**  
2 **COMMUNITY TRUST IN MARYLAND LAW ENFORCEMENT BY CLARIFYING THE**  
3 **PARAMETERS OF LOCAL PARTICIPATION IN FEDERAL IMMIGRATION**  
4 **ENFORCEMENT EFFORTS.**

5           **(B) WHEN AN INDIVIDUAL BECOMES ELIGIBLE FOR RELEASE FROM**  
6 **STATE OR LOCAL CUSTODY, A LAW ENFORCEMENT OR ANY OTHER**  
7 **GOVERNMENT OFFICIAL SHALL CONTINUE TO DETAIN THE INDIVIDUAL ON THE**  
8 **BASIS OF AN IMMIGRATION DETAINER.**

9           **(C) A DETAINEE SHALL BE DENIED BAIL IF THE DETAINEE HAS AN**  
10 **IMMIGRATION DETAINER.**

11           **(D) A LAW ENFORCEMENT OFFICIAL MAY STOP, ARREST, SEARCH, OR**  
12 **DETAIN AN INDIVIDUAL FOR THE PURPOSE OF INVESTIGATING A SUSPECTED**  
13 **IMMIGRATION VIOLATION OR BASED ON AN ADMINISTRATIVE WARRANT IN THE**  
14 **NATIONAL CRIME INFORMATION CENTER DATABASE.**

15           **(E) A LAW ENFORCEMENT OFFICIAL MAY INQUIRE INTO THE**  
16 **IMMIGRATION STATUS OR PLACE OF BIRTH OF AN ARRESTEE OR VICTIM OF**  
17 **CRIME.**

18           **(F) A LAW ENFORCEMENT AGENCY MAY MAKE AN INMATE AVAILABLE**  
19 **FOR AN INTERVIEW BY A FEDERAL IMMIGRATION AGENT.**

20           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
21 **October 1, 2014.**