

HOUSE BILL 4  
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2004 Regular Session  
4r0710

(PRE-FILED)

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By: **Delegates Impallaria and McDonough**

Requested: October 9, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Illegal Aliens - Detention Requirement**

3 FOR the purpose of requiring the Sheriff or a deputy sheriff of Harford County to  
4 detain an undocumented alien under certain circumstances until the  
5 undocumented alien is transferred to the custody of the Bureau of Citizenship  
6 and Immigration Services of the United States Department of Homeland  
7 Security; requiring the Sheriff or a deputy sheriff of Harford County to contact  
8 the Bureau of Citizenship and Immigration Services of the United States  
9 Department of Homeland Security when the Sheriff or deputy sheriff detains an  
10 undocumented alien; prohibiting the Sheriff or a deputy sheriff of Harford  
11 County from searching for undocumented aliens for a certain purpose; defining  
12 a certain term; and generally relating to undocumented aliens.

13 BY repealing and reenacting, without amendments,  
14 Article - Criminal Procedure  
15 Section 2-101(c)  
16 Annotated Code of Maryland  
17 (2001 Volume and 2003 Supplement)

18 BY adding to  
19 Article - Criminal Procedure  
20 Section 2-108  
21 Annotated Code of Maryland  
22 (2001 Volume and 2003 Supplement)

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

1

**Article - Criminal Procedure**

2 2-101.

3 (c) "Police officer" means a person who in an official capacity is authorized by  
4 law to make arrests and is:

5 (1) a member of the Department of State Police;

6 (2) a member of the Police Department of Baltimore City;

7 (3) a member of the Baltimore City School Police Force;

8 (4) a member of the police department, bureau, or force of a county;

9 (5) a member of the police department, bureau, or force of a municipal  
10 corporation;

11 (6) a member of the Maryland Transit Administration Police Force,  
12 Maryland Port Administration Police Force, or Maryland Transportation Authority  
13 Police Force;

14 (7) a member of the University of Maryland Police Force or Morgan State  
15 University Police Force;

16 (8) a special police officer who is appointed to enforce the law and  
17 maintain order on or protect property of the State or any of its units;

18 (9) a member of the Department of General Services security force;

19 (10) the sheriff of a county whose usual duties include the making of  
20 arrests;

21 (11) a regularly employed deputy sheriff of a county who is compensated  
22 by the county and whose usual duties include the making of arrests;

23 (12) a member of the Natural Resources Police Force of the Department of  
24 Natural Resources;

25 (13) an authorized employee of the Field Enforcement Division of the  
26 Comptroller's Office;

27 (14) a member of the Maryland-National Capital Park and Planning  
28 Commission Park Police;

29 (15) a member of the Housing Authority of Baltimore City Police Force;

30 (16) a member of the Crofton Police Department;

31 (17) a member of the WMATA Metro Transit Police, subject to the  
32 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan

1 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation  
2 Article;

3 (18) a member of the Internal Investigative Unit of the Department;

4 (19) a member of the State Forest and Park Service Police Force of the  
5 Department of Natural Resources;

6 (20) a member of the Department of Labor, Licensing, and Regulation  
7 Police Force; or

8 (21) a member of the Washington Suburban Sanitary Commission Police  
9 Force.

10 2-108.

11 (A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

12 (B) A POLICE OFFICER:

13 (1) SHALL DETAIN AN UNDOCUMENTED ALIEN:

14 (I) WHOM THE POLICE OFFICER ENCOUNTERS IN THE NORMAL  
15 COURSE OF THE OFFICER'S DUTIES IN HARFORD COUNTY AND WHO THE POLICE  
16 OFFICER DETERMINES IS AN UNDOCUMENTED ALIEN;

17 (II) WHO IS THEREAFTER TAKEN INTO CUSTODY BY THE OFFICER;  
18 AND

19 (III) UNTIL THE INDIVIDUAL TAKEN INTO CUSTODY IS  
20 TRANSFERRED TO THE CUSTODY OF THE BUREAU OF CITIZENSHIP AND  
21 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND  
22 SECURITY; BUT

23 (2) MAY NOT SEARCH FOR UNDOCUMENTED ALIENS FOR THE SOLE  
24 PURPOSE OF DETAINING THEM.

25 (C) A POLICE OFFICER SHALL INFORM THE BUREAU OF CITIZENSHIP AND  
26 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND  
27 SECURITY AS SOON AS POSSIBLE AFTER THE POLICE OFFICER HAS DETAINED AN  
28 UNDOCUMENTED ALIEN.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
30 effect October 1, 2004.