

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 89
Judiciary

(Delegates Impallaria and McDonough)

Criminal Law - Illegal Aliens - Detention Requirement

This bill requires a police officer to detain an individual encountered by the officer during normal duties, determined to be an undocumented alien, and who has been taken into custody. The detention must be continued until the individual is transferred to the custody of the U.S. Bureau of Citizenship and Immigration Services of the U.S. Department of Homeland Security.

A police officer may not search for undocumented aliens solely for the purpose of detaining them and must inform the U.S. Bureau of Citizenship and Immigration Services of the U.S. Department of Homeland Security as soon as possible after such a detention.

Fiscal Summary

State Effect: None. Assuming the occurrence of only a small number of such detentions any enforcement responsibilities for State law enforcement agencies would be handled with existing budgeted resources.

Local Effect: None. Assuming the occurrence of only a small number of such detentions, any enforcement responsibilities for local law enforcement agencies would be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: Maryland law does not currently directly address police detention of undocumented aliens. Some unrelated documentation issues are addressed under the State's Motor Vehicle Law. Chapter 452 of 2003 also established a 12-member joint executive-legislative Task Force to Study Driver Licensing Documentation, with the Motor Vehicle Administration providing staff support. The task force must report its findings and recommendations to the Governor and the General Assembly on or before December 1, 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Maryland Department of Transportation (Maryland Transportation Authority, Mass Transit Administration); Department of Labor, Licensing, and Regulation; Anne Arundel County; Montgomery County; Garrett County; Prince George's County; City of College Park; City of Rockville; University System of Maryland; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2004
lc/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510