
By: **Delegates Kelly, Cluster, DeBoy, Goodwin, Shank, and Sophocleus**

Introduced and read first time: February 4, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Identification to Police Officer**

3 FOR the purpose of authorizing a police officer to detain a certain person for certain
4 purposes, for a certain period of time, and in a certain area under certain
5 circumstances; prohibiting a certain person from withholding the person's
6 identity from a police officer under certain circumstances; providing for certain
7 penalties; defining a certain term; and generally relating to the crime of failing
8 to identify oneself to a police officer.

9 BY adding to

10 Article - Criminal Law

11 Section 10-205

12 Annotated Code of Maryland

13 (2002 Volume and 2004 Supplement)

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

16 **Article - Criminal Law**

17 10-205.

18 (A) IN THIS SECTION, "POLICE OFFICER" HAS THE MEANING STATED IN § 2-101
19 OF THE CRIMINAL PROCEDURE ARTICLE.

20 (B) A POLICE OFFICER MAY DETAIN A PERSON WHOM THE POLICE OFFICER
21 ENCOUNTERS UNDER CIRCUMSTANCES THAT REASONABLY INDICATE THAT THE
22 PERSON HAS COMMITTED, IS COMMITTING, OR IS ABOUT TO COMMIT A CRIME.

23 (C) A POLICE OFFICER MAY DETAIN A PERSON UNDER THIS SECTION ONLY TO
24 ASCERTAIN THE PERSON'S IDENTITY AND THE CIRCUMSTANCES SURROUNDING THE
25 PERSON'S PRESENCE WHERE ENCOUNTERED BY THE POLICE OFFICER.

26 (D) A POLICE OFFICER MAY NOT DETAIN A PERSON LONGER THAN IS
27 REASONABLY NECESSARY TO EFFECT THE PURPOSES OF THIS SECTION, AND IN NO
28 EVENT LONGER THAN 60 MINUTES.

1 (E) THE DETENTION MAY NOT EXTEND BEYOND THE IMMEDIATE VICINITY OF
2 THE PLACE WHERE THE DETENTION WAS FIRST EFFECTED, UNLESS THE PERSON IS
3 ARRESTED.

4 (F) A PERSON MAY NOT WITHHOLD THE PERSON'S IDENTITY FROM A POLICE
5 OFFICER WHO HAS DETAINED THE PERSON IN COMPLIANCE WITH THIS SECTION.

6 (G) A PERSON WHO VIOLATES SUBSECTION (F) OF THIS SECTION IS GUILTY OF
7 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
8 EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2005.