

SENATE BILL 112

E2

8lr1426

By: **Senator Pipkin**

Introduced and read first time: January 17, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Undocumented Immigrants – Prohibition on Pretrial**
3 **Release**

4 FOR the purpose of prohibiting a District Court commissioner from authorizing the
5 pretrial release of a defendant who cannot provide documentation acceptable to
6 the Department of Public Safety and Correctional Services certifying that the
7 individual is lawfully present in the United States in accordance with federal
8 law; and generally relating to pretrial release.

9 BY adding to
10 Article – Criminal Procedure
11 Section 5–202(f)
12 Annotated Code of Maryland
13 (2001 Volume and 2007 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 Procedure**

17 5–202.

18 **(F) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE**
19 **PRETRIAL RELEASE OF A DEFENDANT WHO CANNOT PROVIDE DOCUMENTATION**
20 **ACCEPTABLE TO THE DEPARTMENT CERTIFYING THAT THE INDIVIDUAL IS**
21 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**
22 **LAW.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

