

# SENATE BILL 681

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By: **Senators Kittleman, Colburn, Greenip, Jacobs, and Stone**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Police Reporting – Detained Undocumented Aliens**

3 FOR the purpose of requiring a police officer who encounters and detains in the  
4 normal course of the officer's duties an individual who the police officer  
5 determines is an undocumented alien to inform the U.S. Immigration and  
6 Customs Enforcement agency of the United States Department of Homeland  
7 Security of the detention as soon as possible after the police officer has detained  
8 the undocumented alien; providing that this Act does not require that a police  
9 officer search for an individual for the sole purpose of detaining undocumented  
10 aliens; and generally relating to undocumented aliens.

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Procedure  
13 Section 2–101(c)  
14 Annotated Code of Maryland  
15 (2001 Volume and 2007 Supplement)

16 BY adding to  
17 Article – Criminal Procedure  
18 Section 2–108  
19 Annotated Code of Maryland  
20 (2001 Volume and 2007 Supplement)

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

23 **Article – Criminal Procedure**

24 2–101.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

9 (6) a member of the Maryland Transit Administration Police Force or  
10 Maryland Transportation Authority Police Force;

11 (7) a member of the University of Maryland Police Force or Morgan  
12 State University Police Force;

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

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

16 (10) the sheriff of a county whose usual duties include the making of  
17 arrests;

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

20 (12) a member of the Natural Resources Police Force of the Department  
21 of Natural Resources;

22 (13) an authorized employee of the Field Enforcement Bureau of the  
23 Comptroller's Office;

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

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

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

28 (17) a member of the WMATA Metro Transit Police, subject to the  
29 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area  
30 Transit Authority Compact, which is codified at § 10-204 of the Transportation  
31 Article;

- 1           (18) a member of the Internal Investigative Unit of the Department;
- 2           (19) a member of the State Forest and Park Service Police Force of the  
3 Department of Natural Resources;
- 4           (20) a member of the Department of Labor, Licensing, and Regulation  
5 Police Force;
- 6           (21) a member of the Washington Suburban Sanitary Commission  
7 Police Force;
- 8           (22) a member of the Ocean Pines Police Department; or
- 9           (23) a member of the Police Force of the Baltimore City Community  
10 College.

11 **2-108.**

12           **(A) A POLICE OFFICER WHO ENCOUNTERS AND DETAINS IN THE**  
13 **NORMAL COURSE OF THE OFFICER'S DUTIES AN INDIVIDUAL WHO THE POLICE**  
14 **OFFICER DETERMINES IS AN UNDOCUMENTED ALIEN SHALL INFORM THE U.S.**  
15 **IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY OF THE UNITED STATES**  
16 **DEPARTMENT OF HOMELAND SECURITY OF THE DETENTION AS SOON AS**  
17 **POSSIBLE AFTER THE POLICE OFFICER HAS DETAINED THE UNDOCUMENTED**  
18 **ALIEN.**

19           **(B) SUBSECTION (A) OF THIS SECTION DOES NOT REQUIRE A POLICE**  
20 **OFFICER TO SEARCH FOR AN INDIVIDUAL FOR THE SOLE PURPOSE OF**  
21 **DETAINING AN UNDOCUMENTED ALIEN.**

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