

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

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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;

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;

- (18) a member of the Internal Investigative Unit of the Department;
- (19) a member of the State Forest and Park Service Police Force of the
of Natural Resources;
- (20) a member of the Department of Labor, Licensing, and Regulation
;
- (21) a member of the Washington Suburban Sanitary Commission
;
- (22) a member of the Ocean Pines Police Department; or
- (23) a member of the Police Force of the Baltimore City Community

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.

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