

HOUSE BILL 558

E4, P4, L6

3lr0985

By: **Delegates Dwyer, Fisher, Glass, Impallaria, Kipke, McComas, McConkey, McDermott, McDonough, Smigielski, and Stocksdale**

Introduced and read first time: January 30, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Liberty Preservation Act of 2013**

3 FOR the purpose of prohibiting an agency of the State, a county of the State, an
4 employee of the State or a county acting in an official capacity, or a member of
5 the Maryland National Guard or the Maryland Defense Force, on official State
6 duty, to knowingly aid an agency of the United States in the detention of a
7 person in accordance with a certain federal statute; providing for the application
8 of this Act; and generally relating to the detention of individuals.

9 BY adding to

10 Article – Public Safety

11 Section 13–511

12 Annotated Code of Maryland

13 (2011 Replacement Volume and 2012 Supplement)

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

16 **Article – Public Safety**

17 **13–511.**

18 **(A) THIS SECTION APPLIES TO THE FOLLOWING PERSONS AND**
19 **GOVERNMENTAL ENTITIES:**

20 **(1) AN AGENCY OF THE STATE;**

21 **(2) A COUNTY IN THE STATE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) AN EMPLOYEE OF THE STATE OR A COUNTY ACTING IN THE**
2 **EMPLOYEE'S OFFICIAL CAPACITY; AND**

3 **(4) A MEMBER OF THE MARYLAND NATIONAL GUARD OR THE**
4 **MARYLAND DEFENSE FORCE ACTING ON OFFICIAL STATE DUTY.**

5 **(B) A PERSON OR GOVERNMENTAL ENTITY MAY NOT KNOWINGLY AID**
6 **AN AGENCY OF THE UNITED STATES IN THE DETENTION OF A PERSON IN**
7 **ACCORDANCE WITH §§ 1021 AND 1022 OF THE FEDERAL NATIONAL DEFENSE**
8 **AUTHORIZATION ACT FOR FISCAL YEAR 2012.**

9 **(C) THIS SECTION DOES NOT APPLY TO PARTICIPATION BY STATE OR**
10 **LOCAL LAW ENFORCEMENT, THE MARYLAND NATIONAL GUARD, OR THE**
11 **MARYLAND DEFENSE FORCE IN A JOINT TASK FORCE, PARTNERSHIP, OR**
12 **OTHER SIMILAR COOPERATIVE AGREEMENT WITH FEDERAL LAW ENFORCEMENT**
13 **IF THE AGREEMENT IS NOT FOR THE PURPOSE OF PARTICIPATING IN A**
14 **DETENTION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.