

SENATE BILL 554

E2

4r1170
CF HB 29

By: **Senators Ramirez, Benson, Conway, Feldman, Ferguson, Forehand, Gladden, Jones–Rodwell, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Raskin, and Rosapepe**

Introduced and read first time: January 29, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Law Enforcement Trust Act**

3 FOR the purpose of expressing the intent of the General Assembly to restore
4 community trust in Maryland law enforcement by clarifying the parameters of
5 local participation in federal immigration enforcement efforts; providing that
6 when an individual becomes eligible for release from certain custody, a certain
7 official may not continue to detain the individual on the basis of an immigration
8 detainer; providing that a detainee may not be denied bail solely because of an
9 immigration detainer; providing that nothing in a certain provision of this Act
10 may be construed to undermine the authority of a court to make a bail or bond
11 determination according to its usual procedures; prohibiting a law enforcement
12 official from stopping, arresting, searching, or detaining an individual for the
13 purpose of investigating a suspected immigration violation or based on a certain
14 warrant in a certain database; prohibiting a law enforcement official from
15 inquiring into the immigration status or place of birth of an arrestee or a victim
16 of crime; prohibiting a law enforcement agency from making an inmate
17 available for an interview by a federal immigration agent unless certain
18 conditions are met; requiring each State and local correctional facility to issue a
19 report once a year detailing certain information; requiring the Governor's Office
20 of Crime Control and Prevention to adopt regulations to implement this Act;
21 and generally relating to release from custody.

22 BY adding to

23 Article – Criminal Procedure

24 Section 5–103

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 **5–103.**

5 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RESTORE
6 COMMUNITY TRUST IN MARYLAND LAW ENFORCEMENT BY CLARIFYING THE
7 PARAMETERS OF LOCAL PARTICIPATION IN FEDERAL IMMIGRATION
8 ENFORCEMENT EFFORTS.

9 (B) WHEN AN INDIVIDUAL BECOMES ELIGIBLE FOR RELEASE FROM
10 STATE OR LOCAL CUSTODY, A LAW ENFORCEMENT OR ANY OTHER
11 GOVERNMENT OFFICIAL MAY NOT CONTINUE TO DETAIN THE INDIVIDUAL ON
12 THE BASIS OF AN IMMIGRATION DETAINER.

13 (C) (1) A DETAINEE MAY NOT BE DENIED BAIL SOLELY BECAUSE OF
14 AN IMMIGRATION DETAINER.

15 (2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO
16 UNDERMINE THE AUTHORITY OF A COURT TO MAKE A BAIL OR BOND
17 DETERMINATION ACCORDING TO ITS USUAL PROCEDURES.

18 (D) A LAW ENFORCEMENT OFFICIAL MAY NOT STOP, ARREST, SEARCH,
19 OR DETAIN AN INDIVIDUAL FOR THE PURPOSE OF INVESTIGATING A SUSPECTED
20 IMMIGRATION VIOLATION OR BASED ON AN ADMINISTRATIVE WARRANT IN THE
21 NATIONAL CRIME INFORMATION CENTER DATABASE.

22 (E) A LAW ENFORCEMENT OFFICIAL MAY NOT INQUIRE INTO THE
23 IMMIGRATION STATUS OR PLACE OF BIRTH OF AN ARRESTEE OR VICTIM OF
24 CRIME.

25 (F) A LAW ENFORCEMENT AGENCY MAY NOT MAKE AN INMATE
26 AVAILABLE FOR AN INTERVIEW BY A FEDERAL IMMIGRATION AGENT UNLESS:

27 (1) THE INMATE IS GIVEN A MEANINGFUL OPPORTUNITY TO HAVE
28 COUNSEL PRESENT;

29 (2) THE INMATE SIGNS A WRITTEN CONSENT FORM; AND

30 (3) THE INTERVIEW DOES NOT TAKE PLACE PRIOR TO THE
31 INMATE'S FIRST APPEARANCE IN COURT.

1 **(G) ONCE A YEAR, EACH STATE AND LOCAL CORRECTIONAL FACILITY**
2 **SHALL ISSUE A REPORT DETAILING:**

3 **(1) THE NUMBER OF INDIVIDUALS HELD ON IMMIGRATION**
4 **DETAINERS;**

5 **(2) THE NUMBER OF DAYS EACH INDIVIDUAL WHO WAS HELD ON**
6 **AN IMMIGRATION DETAINER WAS HELD PAST THE DATE THE INDIVIDUAL WAS**
7 **ELIGIBLE FOR RELEASE ON STATE CHARGES;**

8 **(3) THE REASON FOR THE ARREST OF EACH INDIVIDUAL HELD ON**
9 **AN IMMIGRATION DETAINER; AND**

10 **(4) THE NUMBER OF INDIVIDUALS ULTIMATELY TRANSFERRED TO**
11 **THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.**

12 **(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**
13 **SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS**
14 **SECTION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2014.