A BILL ENTITLED

AN ACT concerning

Maryland Law Enforcement Trust Act

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

BY adding to

Article – Criminal Procedure
Section 5–103
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

5–103.

(A) It is the intent of the General Assembly to restore community trust in Maryland law enforcement by clarifying the parameters of local participation in federal immigration enforcement efforts.

(B) When an individual becomes eligible for release from state or local custody, a law enforcement or any other government official may not continue to detain the individual on the basis of an immigration detainer.

(C) (1) A detainee may not be denied bail solely because of an immigration detainer.

(2) Nothing in this subsection may be construed to undermine the authority of a court to make a bail or bond determination according to its usual procedures.

(D) A law enforcement official may not stop, arrest, search, or detain an individual for the purpose of investigating a suspected immigration violation or based on an administrative warrant in the National Crime Information Center database.

(E) A law enforcement official may not inquire into the immigration status or place of birth of an arrestee or victim of crime.

(F) A law enforcement agency may not make an inmate available for an interview by a federal immigration agent unless:

(1) the inmate is given a meaningful opportunity to have counsel present;

(2) the inmate signs a written consent form; and

(3) the interview does not take place prior to the inmate’s first appearance in court.

(G) Once a year, each State and local correctional facility shall issue a report detailing:
(1) THE NUMBER OF INDIVIDUALS HELD ON IMMIGRATION DETAINERS;

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

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

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

(H) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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