

HOUSE BILL 342

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1lr1734

By: **Delegates Cluster, Afzali, Bates, Boteler, Dwyer, Elliott, Hershey, Impallaria, Kach, K. Kelly, McComas, McConkey, McDermott, McDonough, W. Miller, Minnick, Myers, Norman, O'Donnell, Parrott, Ready, Schuh, Schulz, Smigiel, Stocksdale, Szeliga, and Weir**

Introduced and read first time: February 2, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Undocumented Immigrants – Prohibition on Pretrial**
3 **Release**

4 FOR the purpose of prohibiting a judge or a District Court commissioner from
5 authorizing the pretrial release of a defendant who cannot provide
6 documentation acceptable to the Department of Public Safety and Correctional
7 Services certifying that the individual is lawfully present in the United States
8 in accordance with federal law; and generally relating to pretrial release.

9 BY renumbering

10 Article – Criminal Procedure
11 Section 5–202(h) and (i), respectively
12 to be Section 5–202(i) and (j), respectively
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 BY adding to

16 Article – Criminal Procedure
17 Section 5–202(h)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That Section(s) 5–202(h) and (i), respectively, of Article – Criminal
22 Procedure of the Annotated Code of Maryland be renumbered to be Section(s) 5–202(i)
23 and (j), respectively.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Criminal Procedure**

4 5–202.

5 **(H) A JUDGE OR A DISTRICT COURT COMMISSIONER MAY NOT**
6 **AUTHORIZE THE PRETRIAL RELEASE OF A DEFENDANT WHO CANNOT PROVIDE**
7 **DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT CERTIFYING THAT THE**
8 **INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE**
9 **WITH FEDERAL LAW.**

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.