

# HOUSE BILL 513

E2

2lr1239

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By: **Delegates K. Kelly, Beitzel, Cluster, Dumais, McDermott, Parrott, Simmons, and Valentino-Smith**

Introduced and read first time: February 2, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Custody of Arrested Persons Before Release**

3 FOR the purpose of requiring a police officer to keep custody of an arrested person  
4 from the time of arrest until the person is committed by lawful authority to a  
5 State or local correctional facility, released from custody, or in the custody of  
6 another police officer; requiring a correctional employee assigned to monitor  
7 inmates to keep custody of certain arrested persons under certain  
8 circumstances; and generally relating to the custody of arrested persons.

9 BY adding to

10 Article – Criminal Procedure

11 Section 2–106.1

12 Annotated Code of Maryland

13 (2008 Replacement Volume and 2011 Supplement)

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

16 **Article – Criminal Procedure**

17 **2–106.1.**

18 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**  
19 **POLICE OFFICER SHALL KEEP CUSTODY OF AN ARRESTED PERSON FROM THE**  
20 **TIME OF ARREST UNTIL THE ARRESTED PERSON IS:**

21 **(1) COMMITTED BY LAWFUL AUTHORITY TO A STATE OR LOCAL**  
22 **CORRECTIONAL FACILITY;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2)    RELEASED FROM CUSTODY; OR**

2           **(3)    IN THE CUSTODY OF ANOTHER POLICE OFFICER.**

3           **(B)    A CORRECTIONAL EMPLOYEE SHALL KEEP CUSTODY OF AN**  
4 **ARRESTED PERSON WHO IS AWAITING TRANSFER TO ANOTHER JURISDICTION**  
5 **OR WAITING TO SEE A JUDICIAL OFFICER OF THE COURT IF:**

6                   **(1)    THE COMMISSIONER OF CORRECTION HAS ASSIGNED THE**  
7 **EMPLOYEE TO MONITOR INMATES;**

8                   **(2)    THE EMPLOYEE WILL MONITOR THE ARRESTED PERSON IN A**  
9 **CORRECTIONAL FACILITY; AND**

10                   **(3)    THE CORRECTIONAL FACILITY IS NOT ADDRESSING A**  
11 **SITUATION THAT POSES A SEVERE THREAT TO MAINTAINING THE DESIRED**  
12 **LEVEL OF SECURITY AND SAFETY OF PERSONS INSIDE THE CORRECTIONAL**  
13 **FACILITY AT THE TIME OF THE TRANSFER OF CUSTODY.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2012.