

# 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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2012

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## CHAPTER \_\_\_\_\_

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~~ authorizing a correctional ~~employee~~ officer  
7 assigned to ~~monitor~~ supervise and transport inmates to keep custody of or  
8 provide transport for certain arrested persons under certain circumstances; and  
9 generally relating to the custody of arrested persons.

10 BY adding to

11 Article – Criminal Procedure

12 Section 2–106.1

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Criminal Procedure**

18 **2–106.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

4                   (1) COMMITTED BY LAWFUL AUTHORITY TO A STATE OR LOCAL  
5 CORRECTIONAL FACILITY;

6                   (2) RELEASED FROM CUSTODY; OR

7                   (3) IN THE CUSTODY OF ANOTHER POLICE OFFICER.

8           (B) A CORRECTIONAL ~~EMPLOYEE SHALL~~ OFFICER MAY KEEP CUSTODY  
9 OF OR PROVIDE TRANSPORT FOR AN ARRESTED PERSON WHO IS AWAITING  
10 TRANSFER TO ANOTHER JURISDICTION OR WAITING TO SEE A JUDICIAL  
11 OFFICER OF THE COURT IF:

12                   (1) THE COMMISSIONER OF ~~CORRECTION~~ THE DIVISION OF  
13 PRETRIAL DETENTION AND SERVICES OR LOCAL MANAGING OFFICIAL HAS  
14 ASSIGNED THE ~~EMPLOYEE TO MONITOR~~ CORRECTIONAL OFFICER TO SUPERVISE  
15 AND TRANSPORT INMATES;

16                   (2) THE ~~EMPLOYEE~~ CORRECTIONAL OFFICER WILL ~~MONITOR~~  
17 SUPERVISE THE ARRESTED PERSON IN A CORRECTIONAL FACILITY OR DURING  
18 TRANSPORT; AND

19                   (3) THE CORRECTIONAL FACILITY IS NOT ADDRESSING A  
20 SITUATION THAT POSES A SEVERE THREAT TO MAINTAINING THE DESIRED  
21 LEVEL OF SECURITY AND SAFETY OF THE ARRESTED PERSON OR PERSONS  
22 INSIDE THE CORRECTIONAL FACILITY AT THE TIME OF THE TRANSFER OF  
23 CUSTODY.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.