

# HOUSE BILL 677

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By: **Delegates McDonough, Dwyer, Impallaria, Kach, Kipke, and Krebs**

Introduced and read first time: February 9, 2011

Assigned to: Judiciary and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Counties and Municipal Corporations – “Sanctuary Laws” for Illegal Aliens –**  
3 **Prohibition**

4 FOR the purpose of requiring counties and municipal corporations to fully comply with  
5 and support federal immigration law; defining a certain term; prohibiting  
6 counties and municipal corporations from restricting their officials, personnel,  
7 or agents from requesting, obtaining, sending, receiving, exchanging, or  
8 maintaining certain immigration information; requiring counties and municipal  
9 corporations to implement certain requirements and obligations in a certain  
10 manner; prohibiting counties and municipal corporations from construing  
11 certain provisions of law in a certain manner; clarifying that certain provisions  
12 of law apply to certain subdivisions and certain qualifying municipalities;  
13 requiring counties and municipal corporations to comply with certain provisions  
14 of law in order to receive certain aid from the State; and generally relating to  
15 compliance with and support of enforcement of federal immigration law by  
16 counties and municipal corporations.

17 BY adding to  
18 Article – Public Safety  
19 Section 3–508  
20 Annotated Code of Maryland  
21 (2003 Volume and 2010 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article 41 – Governor – Executive and Administrative Departments  
24 Section 4–405  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Public Safety**2 **3–508.**

3 (A) ALL OFFICIALS, PERSONNEL, AND AGENTS OF A COUNTY OR  
4 MUNICIPAL CORPORATION FULLY SHALL COMPLY WITH AND SUPPORT THE  
5 ENFORCEMENT OF FEDERAL LAW PROHIBITING THE ENTRY INTO OR PRESENCE  
6 OR RESIDENCE IN THE UNITED STATES OF ILLEGAL ALIENS IN VIOLATION OF  
7 FEDERAL IMMIGRATION LAW.

8 (B) A COUNTY OR MUNICIPAL CORPORATION MAY NOT RESTRICT ITS  
9 OFFICIALS, PERSONNEL, OR AGENTS FROM REQUESTING, OBTAINING, SENDING,  
10 RECEIVING, EXCHANGING, OR MAINTAINING INFORMATION REGARDING THE  
11 IMMIGRATION STATUS OF AN INDIVIDUAL.

12 (C) A COUNTY OR MUNICIPAL CORPORATION SHALL IMPLEMENT THE  
13 REQUIREMENTS AND OBLIGATIONS OF THIS SECTION IN A MANNER THAT:

14 (1) IS FULLY CONSISTENT WITH FEDERAL LAW REGULATING  
15 IMMIGRATION; AND

16 (2) PROTECTS THE CIVIL RIGHTS OF ALL UNITED STATES  
17 CITIZENS AND ALIENS.

18 (D) A COUNTY OR MUNICIPAL CORPORATION MAY NOT CONSTRUE THIS  
19 SECTION TO PROHIBIT ITS OFFICIALS, PERSONNEL, OR AGENTS FROM:

20 (1) RENDERING EMERGENCY MEDICAL CARE OR ANY OTHER  
21 PUBLIC BENEFIT MANDATED BY FEDERAL OR STATE LAW; OR

22 (2) REPORTING CRIMINAL ACTIVITY TO A LAW ENFORCEMENT  
23 AGENCY.

24 **Article 41 – Governor – Executive and Administrative Departments**25 **4–405.**

26 (a) (1) If the executive director finds that a [county] SUBDIVISION OR  
27 QUALIFYING MUNICIPALITY is not complying with the maintenance of effort  
28 provisions of § 4–402 of this subtitle, the executive director shall notify the subdivision  
29 or qualifying municipality of such noncompliance.

30 (2) IF THE EXECUTIVE DIRECTOR FINDS THAT A SUBDIVISION, A  
31 MUNICIPALITY, OR BALTIMORE CITY IS NOT COMPLYING WITH THE PROVISIONS

1 **OF § 3–508 OF THE PUBLIC SAFETY ARTICLE, THE EXECUTIVE DIRECTOR SHALL**  
2 **NOTIFY THE SUBDIVISION, THE MUNICIPALITY, OR BALTIMORE CITY OF SUCH**  
3 **NONCOMPLIANCE.**

4 (b) If a subdivision [or qualifying], A municipality, **OR BALTIMORE CITY**  
5 disputes the finding within 30 days of the issuance of such notice, the dispute shall be  
6 promptly referred to the Secretary of the Department of Budget and Management,  
7 who shall make a final determination.

8 (c) Upon receipt of certification of noncompliance by the executive director or  
9 the Secretary of the Department of Budget and Management, as the case may be, the  
10 Comptroller shall suspend, until notification of compliance is received, payment of any  
11 funds due the subdivision [or qualifying], **THE municipality, OR BALTIMORE CITY**  
12 for the current fiscal year, as provided in § 4–403 of this subtitle, to the extent that the  
13 State’s aid due the subdivision [or qualifying], **THE municipality, OR BALTIMORE**  
14 **CITY** in the current fiscal year under that section exceeds the amount which the  
15 subdivision [or qualifying], **THE municipality, OR BALTIMORE CITY** received in the  
16 prior fiscal year.

17 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
18 **October 1, 2011.**