

HB1362/383428/1

BY: Delegate Kipke

AMENDMENT TO HOUSE BILL 1362, AS AMENDED

On page 5 of the House Judiciary Committee Amendments (HB1362/282717/1), in line 15 of Amendment No. 4, after “**(E)**” insert “**(1)** THIS SUBSECTION DOES NOT APPLY TO AN ADMINISTRATIVE IMMIGRATION DETAINER ISSUED BASED ON A FINDING THAT THE SUBJECT OF THE ADMINISTRATIVE IMMIGRATION DETAINER:

(I) HAS ENGAGED IN OR IS SUSPECTED OF TERRORISM OR ESPIONAGE, OR OTHERWISE POSES A DANGER TO NATIONAL SECURITY;

(II) HAS BEEN CONVICTED OF AN OFFENSE WHERE AN ELEMENT OF THE OFFENSE WAS ACTIVE PARTICIPATION IN A CRIMINAL STREET GANG AS DEFINED BY 18 U.S.C. § 521, OR IS AT LEAST 16 YEARS OF AGE AND INTENTIONALLY PARTICIPATED IN AN ORGANIZED CRIMINAL STREET GANG TO FURTHER ILLEGAL ACTIVITIES;

(III) HAS BEEN CONVICTED OF AN OFFENSE CLASSIFIED AS A FELONY, OTHER THAN A STATE OR LOCAL OFFENSE, FOR WHICH AN ESSENTIAL ELEMENT OF THE OFFENSE WAS THE SUBJECT’S IMMIGRATION STATUS; OR

(IV) HAS BEEN CONVICTED OF AN AGGRAVATED FELONY, AS DEFINED BY 8 U.S.C. § 1101.

(2)”;

(Over)

and in lines 17 and 19, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.