

SENATE BILL 830

E2

7lr2854

By: **Senators Hough, Bates, Cassilly, Hershey, Norman, Ready, Salling, and Waugh**
Introduced and read first time: February 3, 2017
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Facilities – Individual Subject to Immigration Detainer –**
3 **Homeland Security Notification**

4 FOR the purpose of requiring a State or local correctional facility that is notified by the
5 United States Department of Homeland Security that a certain individual is subject
6 to an immigration detainer to provide a certain notice to the United States
7 Department of Homeland Security; authorizing a State or local correctional facility
8 to maintain custody of a certain individual for a certain period of time for a certain
9 purpose; requiring a State or local correctional facility to respond to and honor
10 immigration detainees in a certain manner; and generally relating to State and local
11 correctional facilities.

12 BY adding to
13 Article – Correctional Services
14 Section 9–616
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2016 Supplement)

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

19 **Article – Correctional Services**
20 **9–616.**

21 **(A) A STATE OR LOCAL CORRECTIONAL FACILITY THAT IS NOTIFIED BY THE**
22 **UNITED STATES DEPARTMENT OF HOMELAND SECURITY THAT AN INDIVIDUAL**
23 **UNDER THE CONTROL OF THE FACILITY IS SUBJECT TO AN IMMIGRATION DETAINER**
24 **SHALL PROVIDE NOTICE TO THE UNITED STATES DEPARTMENT OF HOMELAND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECURITY AT LEAST 72 HOURS BEFORE THE INDIVIDUAL IS RELEASED FROM THE
2 FACILITY.

3 (B) A STATE OR LOCAL CORRECTIONAL FACILITY MAY MAINTAIN CUSTODY
4 OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR A PERIOD
5 NOT TO EXCEED 48 HOURS BEYOND THE TIME THE INDIVIDUAL WOULD HAVE
6 OTHERWISE BEEN RELEASED FROM THE CONTROL OF THE FACILITY TO ALLOW THE
7 UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO ASSUME CUSTODY OF
8 THE INDIVIDUAL.

9 (C) A STATE OR LOCAL CORRECTIONAL FACILITY SHALL RESPOND TO AND
10 HONOR IMMIGRATION DETAINERS IN THE SAME MANNER AS OTHER FEDERAL
11 DETAINERS.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2017.