HOUSE BILL 1549

By: **Delegates W. Miller, Adams, Arentz, Fisher, Folden, S. Howard, Impallaria, and McDonough**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary and Appropriations

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 local governments to fully comply with and support federal
5   immigration law; defining a certain term; prohibiting local governments from
6   restricting their officials, personnel, or agents from requesting, obtaining, sending,
7   receiving, or maintaining certain immigration information; requiring local
8   governments to implement certain requirements and obligations in a certain
9   manner; requiring local governments to comply with certain provisions of law in
10   order to receive certain aid from the State; and generally relating to compliance with
11   and support of enforcement of federal immigration law by local governments.

12 BY adding to
13   Article – Public Safety
14   Section 3–520
15   Annotated Code of Maryland
16   (2011 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18   Article – Public Safety
19   Section 4–509
20   Annotated Code of Maryland
21   (2011 Replacement Volume and 2017 Supplement)

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

24   **Article – Public Safety**

EXPLANATION: **Capitals indicate matter added to existing law.**
    [Brackets] indicate matter deleted from existing law.

1   **3–520.**

2   **(A)   IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A COUNTY OR**
3   **MUNICIPAL CORPORATION.**

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

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

12   **(D)   A LOCAL GOVERNMENT SHALL IMPLEMENT THE REQUIREMENTS AND**
13   **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 CITIZENS**
17   **AND ALIENS.**

18   **(E)   A LOCAL GOVERNMENT MAY NOT CONSTRUE THIS SECTION TO**
19   **PROHIBIT ITS OFFICIALS, PERSONNEL, OR AGENTS FROM:**

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

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

24   4–509.

25   (a)   If the Executive Director finds that a county is not complying with § 4–502 of
26   this subtitle **OR THAT A COUNTY OR MUNICIPAL CORPORATION IS NOT COMPLYING**
27   **WITH THE PROVISIONS OF § 3–520 OF THIS ARTICLE**, the Executive Director shall notify
28   the county or qualifying municipality of the noncompliance.

29   (b)   If a county or qualifying municipality disputes the finding in the notice issued
30   under subsection (a) of this section within 30 days of the issuance of the notice, the dispute
31   shall be promptly referred to the Secretary of Budget and Management, who shall make a
32   final determination.

1   (c)   On receipt of certification of noncompliance by the Executive Director or the
2 Secretary of Budget and Management, the Comptroller shall suspend, until notification of
3 compliance is received, payment of any funds due the county or qualifying municipality for
4 the current fiscal year, under § 4–506 of this subtitle, to the extent that the State's aid due
5 the county or qualifying municipality in the current fiscal year under § 4–506 of this
6 subtitle exceeds the amount that the county or qualifying municipality received in the prior
7 fiscal year.

8   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.