

SENATE BILL 581

E2
SB 616/17 – JPR

8lr1650

By: **Senators Ramirez, Madaleno, and Manno**
Introduced and read first time: January 31, 2018
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Immigration – U Nonimmigrant Status and Enforcement**

3 FOR the purpose of authorizing, for purposes of filing a certain petition for certain
4 immigration status, a certain victim or victim’s family member to request a certain
5 certifying official to certify victim helpfulness on a Form I–918, Supplement B
6 certification under certain circumstances; providing that, for the purpose of this Act,
7 a victim shall be considered to be helpful, to have been helpful, or likely to be helpful
8 under certain circumstances; requiring the certifying official to sign and complete
9 the certification in a certain manner and within a certain period of time under
10 certain circumstances; providing that certain conditions are not required in order to
11 request or obtain the certification; authorizing the certifying official to withdraw the
12 certification only under certain circumstances; authorizing a certifying entity to
13 disclose the immigration status of a victim or person requesting the certification only
14 under certain circumstances; defining certain terms; and generally relating to
15 certain certifications of victim helpfulness for U Nonimmigrant Status certification.

16 BY adding to

17 Article – Criminal Procedure

18 Section 11–930 and 11–931 to be under the new part “Part IV. Petition for U
19 Nonimmigrant Status”

20 Annotated Code of Maryland

21 (2008 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 – Criminal Procedure**

25 **11–928. RESERVED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **11-929. RESERVED.**

2 **PART IV. PETITION FOR U NONIMMIGRANT STATUS.**

3 **11-930.**

4 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "CERTIFYING ENTITY" MEANS:

7 (1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;

8 (2) A STATE'S ATTORNEY OR DEPUTY OR ASSISTANT STATE'S
9 ATTORNEY;

10 (3) ANY OTHER AUTHORITY THAT HAS RESPONSIBILITY FOR THE
11 DETECTION, INVESTIGATION, OR PROSECUTION OF A QUALIFYING CRIME OR
12 CRIMINAL ACTIVITY; OR

13 (4) AN AGENCY THAT HAS CRIMINAL DETECTION OR INVESTIGATIVE
14 JURISDICTION IN THE AGENCY'S RESPECTIVE AREAS OF EXPERTISE, INCLUDING
15 CHILD PROTECTIVE SERVICES, THE COMMISSION ON CIVIL RIGHTS, AND THE
16 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

17 (C) "CERTIFYING OFFICIAL" MEANS:

18 (1) THE HEAD OF A CERTIFYING ENTITY;

19 (2) AN INDIVIDUAL IN A SUPERVISORY ROLE WHO HAS BEEN
20 SPECIFICALLY DESIGNATED BY THE HEAD OF A CERTIFYING ENTITY TO ISSUE FORM
21 I-918, SUPPLEMENT B CERTIFICATIONS ON BEHALF OF THAT ENTITY; OR

22 (3) ANY OTHER CERTIFYING OFFICIAL DEFINED UNDER TITLE 8, §
23 214.14(A)(2) OF THE CODE OF FEDERAL REGULATIONS.

24 (D) "QUALIFYING CRIME" INCLUDES A CRIMINAL OFFENSE FOR WHICH THE
25 NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO THE
26 CRIMINAL ACTIVITY DESCRIBED IN SUBSECTION (E) OF THIS SECTION AND THE
27 ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE OFFENSE.

28 (E) "QUALIFYING CRIMINAL ACTIVITY" MEANS QUALIFYING CRIMINAL
29 ACTIVITY UNDER § 101(A)(15)(U)(III) OF THE IMMIGRATION AND NATIONALITY

1 **ACT, INCLUDING:**

2 **(1) RAPE;**

3 **(2) TORTURE;**

4 **(3) HUMAN TRAFFICKING;**

5 **(4) INCEST;**

6 **(5) DOMESTIC VIOLENCE;**

7 **(6) SEXUAL ASSAULT;**

8 **(7) ABUSIVE SEXUAL CONDUCT;**

9 **(8) PROSTITUTION;**

10 **(9) SEXUAL EXPLOITATION;**

11 **(10) FEMALE GENITAL MUTILATION;**

12 **(11) HOSTAGE TAKING;**

13 **(12) PEONAGE;**

14 **(13) PERJURY;**

15 **(14) INVOLUNTARY SERVITUDE;**

16 **(15) SLAVERY;**

17 **(16) KIDNAPPING;**

18 **(17) ABDUCTION;**

19 **(18) UNLAWFUL CRIMINAL RESTRAINT;**

20 **(19) FALSE IMPRISONMENT;**

21 **(20) BLACKMAIL;**

22 **(21) EXTORTION;**

1 **(22) MANSLAUGHTER;**

2 **(23) MURDER;**

3 **(24) ASSAULT;**

4 **(25) WITNESS TAMPERING;**

5 **(26) OBSTRUCTION OF JUSTICE;**

6 **(27) FRAUD IN FOREIGN LABOR CONTRACTING; AND**

7 **(28) STALKING.**

8 **11-931.**

9 **(A) FOR PURPOSES OF FILING A PETITION WITH THE UNITED STATES**
10 **CITIZENSHIP AND IMMIGRATION SERVICES FOR U NONIMMIGRANT STATUS, A**
11 **VICTIM OR THE VICTIM'S FAMILY MEMBER MAY REQUEST A CERTIFYING OFFICIAL**
12 **OF A CERTIFYING ENTITY TO CERTIFY VICTIM HELPFULNESS ON A FORM I-918,**
13 **SUPPLEMENT B CERTIFICATION IF THE VICTIM:**

14 **(1) WAS A VICTIM OF A QUALIFYING CRIMINAL ACTIVITY; AND**

15 **(2) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE**
16 **HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT**
17 **QUALIFYING CRIMINAL ACTIVITY.**

18 **(B) FOR PURPOSES OF DETERMINING HELPFULNESS UNDER SUBSECTION**
19 **(A) OF THIS SECTION, IF THE VICTIM HAS NOT REFUSED OR FAILED TO PROVIDE**
20 **INFORMATION AND ASSISTANCE REASONABLY REQUESTED BY LAW ENFORCEMENT,**
21 **THE VICTIM SHALL BE CONSIDERED TO BE HELPFUL, TO HAVE BEEN HELPFUL, OR**
22 **LIKELY TO BE HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**
23 **THE QUALIFYING CRIMINAL ACTIVITY.**

24 **(C) IF THE VICTIM SATISFIES THE CRITERIA SPECIFIED UNDER SUBSECTION**
25 **(A) OF THIS SECTION, THE CERTIFYING OFFICIAL SHALL FULLY COMPLETE AND SIGN**
26 **THE FORM I-918, SUPPLEMENT B CERTIFICATION AND, WITH RESPECT TO VICTIM**
27 **HELPFULNESS, INCLUDE:**

28 **(1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME**
29 **INVESTIGATED OR PROSECUTED;**

1 **(2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR**
2 **LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**
3 **THE CRIMINAL ACTIVITY; AND**

4 **(3) COPIES OF ANY DOCUMENTS IN THE POSSESSION OF THE**
5 **CERTIFYING OFFICIAL THAT EVINCE THE HARM ENDURED BY THE VICTIM DUE TO**
6 **THE CRIMINAL ACTIVITY.**

7 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
8 **THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE CERTIFICATION OF THE**
9 **FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 90 DAYS AFTER RECEIVING A**
10 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

11 **(2) IF A NONCITIZEN VICTIM IS THE SUBJECT OF REMOVAL**
12 **PROCEEDINGS, THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE**
13 **CERTIFICATION OF THE FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 14**
14 **DAYS AFTER RECEIVING A REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

15 **(E) A CURRENT INVESTIGATION, THE FILING OF CHARGES, A PROSECUTION,**
16 **OR A CONVICTION IS NOT REQUIRED FOR A VICTIM OR THE VICTIM'S FAMILY**
17 **MEMBER TO REQUEST AND OBTAIN THE FORM I-918, SUPPLEMENT B**
18 **CERTIFICATION UNDER THIS SECTION.**

19 **(F) A CERTIFYING OFFICIAL MAY WITHDRAW THE CERTIFICATION**
20 **PROVIDED UNDER THIS SECTION ONLY IF THE VICTIM REFUSES TO PROVIDE**
21 **INFORMATION AND ASSISTANCE WHEN REASONABLY REQUESTED.**

22 **(G) A CERTIFYING ENTITY MAY DISCLOSE THE IMMIGRATION STATUS OF**
23 **THE VICTIM OR PERSON REQUESTING THE FORM I-918, SUPPLEMENT B**
24 **CERTIFICATION ONLY:**

25 **(1) IN ORDER TO COMPLY WITH FEDERAL LAW OR LEGAL PROCESS;**
26 **OR**

27 **(2) IF AUTHORIZED BY THE VICTIM OR PERSON REQUESTING THE**
28 **CERTIFICATION.**

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